

1 SUPREME COURT  
2 ALL COUNTIES WITHIN THE CITY OF NEW YORK  
3  
4 IN RE: NEW YORK CITY ASBESTOS LITIGATION  
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7

8 DEPOSITION UNDER ORAL  
9 EXAMINATION OF  
10 FREDERICK G. BROWN  
11 (VOLUME I)  
12  
13  
14

15 This Document Applies To:

16 FREDERICK G. BROWN

17 INDEX NO.: 190195-17  
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21

22 PRIORITY ONE COURT REPORTING SERVICES, INC.

23 290 West Mt. Pleasant Ave, Suite 2260

24 Livingston, New Jersey 07039

25 (718) 983-1234

# PRIORITY ONE REPORTING (718) 983-1234

<div>Page 2</div> <div> <p>1 Transcript of the deposition of</p> <p>2 the Plaintiff called for Oral Examination</p> <p>3 in the above-captioned matter, said</p> <p>4 deposition being taken pursuant to</p> <p>5 Federal Rules of Civil Procedure by and</p> <p>6 before CHERYL F. SOLOMON, a Notary Public</p> <p>7 and Shorthand Reporter, at the Hampton</p> <p>8 Inn, One North Avenue, Garden City, New</p> <p>9 York, on Tuesday, December 19, 2017,</p> <p>10 commencing at approximately 10:20 in the</p> <p>11 forenoon.</p> <p>12</p> <p>13 * * *</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No. 2744594</p> </div>	<div>Page 4</div> <div> <p>1 AARONSON, RAPPAPORT, FIBNSTEIN &amp; DEUTSCH,</p> <p>2 J.P.</p> <p>3 Attorneys for Defendant Ford</p> <p>4 600 Third Avenue</p> <p>5 New York, New York 10016</p> <p>6 BY: ILLIANOV LOPEZ LARANCIENT, ESQ</p> <p>7</p> <p>8 CULLEN &amp; DYKMAN, LLP</p> <p>9 Attorneys for Defendant Goulds</p> <p>10 44 Wall Street</p> <p>11 New York, New York 10005-2407</p> <p>12 BY: JOSEPH ANGIOLILLO, ESQ</p> <p>13</p> <p>14 DARGIER, ERRANTE, YAVITZ &amp; BLAU, LLP</p> <p>15 Attorneys for Defendants Amchem,</p> <p>16 CertainTeed and UCC</p> <p>17 116 East 27th Street, 12th Floor</p> <p>18 New York, New York 10016</p> <p>19 BY: GENEVIEVE MACSTIEHL, ESQ</p> <p>20</p> <p>21 BARRY, McTIERNAN &amp; MOORE, ESQS</p> <p>22 Attorneys for Defendant</p> <p>23 Cleaver Brooks, Inc</p> <p>24 2 Rector Street</p> <p>25 New York, New York 10006</p> <p>BY: SHAWNETTE FLUITT, ESQ</p> <p>WILBRAHAM, LAWLER &amp; BUBA, ESQS</p> <p>Attorneys for Defendants</p> <p>Air &amp; Liquid Systems Corp. and Kamak</p> <p>1818 Market Street, Suite 1100</p> <p>Philadelphia, Pennsylvania 19103</p> <p>BY: NICHOLAS L. ORTIZ, ESQ</p> </div>
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2 (Pages 2 - 5)

PRIORITY ONE REPORTING (718) 983-1234

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 Attorneys for Defendant Eaton  
 2 1300 Mount Kemble Avenue  
 Morristown, New Jersey 07962-2075  
 3 BY: DENISE D. HARRIS, ESQ.  
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1 IT IS HEREBY STIPULATED, by and between  
 2 the attorneys for the respective parties  
 3 hereto, that filing, sealing and  
 4 certification of the within Examination  
 5 Before Trial be waived; that all objections,  
 6 except as to form, are reserved to the time  
 7 of trial.  
 8 IT IS FURTHER STIPULATED AND AGREED that  
 9 the transcript may be signed before any  
 10 Notary Public with the same force and effect  
 11 as if signed before a Clerk or Judge of the  
 12 Court.  
 13 IT IS FURTHER STIPULATED AND AGREED that  
 14 all rights provided to all parties by the  
 15 CPLR shall not be deemed waived and the  
 16 appropriate sections of the CPLR shall be  
 17 controlling with respect thereto.  
 18 IT IS FURTHER STIPULATED AND AGREED by  
 19 and between the attorneys for the respective  
 20 parties hereto that a copy of the  
 21 Examination shall be furnished, without  
 22 charge, to the attorney representing the  
 23 witness testifying herein.  
 24  
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1 FREDERICK G. BROWN,  
 2 the Plaintiff herein, having first been  
 3 duly sworn by the Notary Public, was  
 4 examined and testified as follows:  
 5 THE REPORTER: State your name for  
 6 the record, please.  
 7 THE WITNESS: Frederick G. Brown.  
 8 THE REPORTER: State your present  
 9 home address for the record, please.  
 10 THE WITNESS: 1017 Bayside,  
 11 Rockaway Point, New York 11697.  
 12 MR. WARSHAUER: Are there any  
 13 statements for the record before we  
 14 begin?  
 15 (No verbal response given)  
 16 DIRECT EXAMINATION  
 17 BY MR. WARSHAUER:  
 18 Q. Good morning, Mr. Brown.  
 19 A. Good morning.  
 20 Q. Can you hear me okay?  
 21 A. Sure.  
 22 Q. For the record my name is Andrew  
 23 Warshauer, I am from the firm of  
 24 Marshall, Dennehey, Warner, Coleman and  
 25 Goggin. I represent a few of the

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1 defendants in this case.  
 2 I will be asking you the bulk of  
 3 the questions today. When I'm done some  
 4 of the other attorneys in the room may  
 5 have some additional questions for you.  
 6 Have you ever had your  
 7 deposition taken before --  
 8 A. No.  
 9 Q. -- in a setting like this with a  
 10 reporter present transcribing the  
 11 questions and answers?  
 12 A. Never.  
 13 MR. FINLEY: Just remember,  
 14 please, wait for him to finish asking  
 15 the question --  
 16 THE WITNESS: Okay.  
 17 MR. FINLEY: -- and then you can  
 18 give your answer, this way the court  
 19 reporter can get down what everybody is  
 20 saying.  
 21 THE WITNESS: Okay.  
 22 Q. Let me go over some of the  
 23 ground rules before we begin.  
 24 As your attorney just advised  
 25 you, please allow me to finish my

1 question before you give an answer since  
2 the reporter cannot take down both of our  
3 voices at the same time.

4 I would also ask that you keep  
5 your answers in verbal form as the  
6 reporter cannot take down a gesture or a  
7 nod or a shrug of the shoulders.

8 If you don't understand one of  
9 my questions, please ask me to rephrase  
10 and I will do so. If you don't know the  
11 answer to one of my questions, "I don't  
12 know" is a perfectly acceptable answer.  
13 I don't want you to guess. If you want  
14 to give an estimate that's fine but you  
15 don't have to guess.

16 If you need a break at any time  
17 during the course of my questions, let me  
18 know, let your attorney know, you can  
19 have as many breaks as you may need.

20 Do you understand these  
21 instructions?

22 A. Yes.

23 Q. Are you taking any medications  
24 this morning?

25 A. Yes.

1 Q. Do you know the names of the  
2 medications you're taking?

3 A. Eliquis, blood thinner, and  
4 Simvastatin I think it is, I think that's  
5 for cholesterol, and that's about it.

6 Q. How long have you been taking  
7 Eliquis?

8 A. Oh, about, let me see, probably  
9 two, two years.

10 Q. What condition do you take that  
11 medication for?

12 A. For I had a stroke and that's in  
13 the blood.

14 Q. Do you know the name of the  
15 doctor that initially prescribed the  
16 medication?

17 A. Yes. I got it on a piece of  
18 paper somewhere but Rems, Remeys, Rem --  
19 R-E-M-E-Y-S.

20 MR. FINLEY: If you're not sure,  
21 that's fine.

22 A. He's affiliated with my HHP  
23 Center.

24 Q. Is it Dr. Gary Gwertzman, is it  
25 Gwertzman?

1 A. No. But he did my carotid  
2 arteries.

3 Q. But the doctor that prescribed  
4 Eliquis is affiliated with HHP?

5 A. Yes.

6 Q. Do you know the dosage of the  
7 Eliquis?

8 A. No.

9 Q. That's fine, if you don't that's  
10 fine.

11 And you also take Simvastatin  
12 for cholesterol?

13 A. Yes.

14 Q. How long have you been taking  
15 that?

16 A. Oh, a long time, I don't know  
17 how long.

18 Q. More than five years?

19 A. Oh, I think so.

20 Q. More than ten years?

21 A. No. Five or ten I guess.

22 Q. Do you know the name of the  
23 doctor that initially prescribed that  
24 medication?

25 A. No.

1 Q. Have you taken any other  
2 medications this morning other than the  
3 Eliquis and the Simvastatin?

4 A. Just Tylenol.

5 Q. Do you take that on your own --

6 A. Yeah.

7 Q. -- or is that upon the advice of  
8 a doctor?

9 A. My heart doctor, she said don't  
10 take any, no more aspirin, Tylenol if you  
11 want.

12 Q. And what's the name of your  
13 heart doctor?

14 A. I got that one but...

15 Q. Is it Dr. Samantha Jagger?

16 A. Yeah. See, you can help me.

17 Q. I'll try to help you if I can.

18 How long has Dr. Jagger been  
19 your heart doctor or your cardiologist  
20 for?

21 A. Oh, about three years.

22 Q. And she --

23 A. But I had a lot of stuff done in  
24 three years.

25 Q. And she told you to stop taking

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1 aspirin and take Tylenol instead?  
 2 A. Yes.  
 3 Q. Do you know why she told you to  
 4 stop taking aspirin?  
 5 A. No. I forget what the reason  
 6 was. She said because there's a lot of  
 7 aspirin in Eliquis.  
 8 Q. You mentioned two years ago you  
 9 had a stroke, is that the only time  
 10 during your lifetime you had a stroke?  
 11 A. Yeah.  
 12 Q. Have you ever had a heart  
 13 attack?  
 14 A. No.  
 15 Q. Do you take any other medication  
 16 on a regular or a semiregular basis that  
 17 you haven't yet taken this morning?  
 18 A. No. I take Tylenol because I'm  
 19 in pain.  
 20 Q. And aside from that and the  
 21 Eliquis and the Simvastatin, do you take  
 22 any other medications?  
 23 A. No.  
 24 Q. Did you review any documents or  
 25 records in preparation for testifying

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1 here today? And when I'm referring to  
 2 records or documents, I'm talking about  
 3 employment records, Social Security  
 4 records, military records, union records,  
 5 medical records, anything like that in  
 6 preparation for testifying here today.  
 7 A. I looked at some...  
 8 THE WITNESS: I don't know what to  
 9 say.  
 10 MR. PINLEY: Your Interrogatories?  
 11 THE WITNESS: Yeah.  
 12 Q. Did you look at a document  
 13 called Answers to Interrogatories, that  
 14 is a series of questions and answers  
 15 concerning your personal history, the  
 16 different places you've worked, things  
 17 like that?  
 18 A. Yes.  
 19 Q. Is that something that you  
 20 provided the answers to a series of  
 21 questions contained in that document?  
 22 A. Yeah.  
 23 Q. And are the answers truthful and  
 24 accurate to the best of your knowledge?  
 25 A. Yeah.

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1 Q. Other than that did you review  
 2 anything else in preparation for  
 3 testifying here today?  
 4 A. No.  
 5 MR. WARSHAUER: If we could go off  
 6 the record briefly for personal  
 7 information we don't want to appear on  
 8 the stenographic record.  
 9 (Discussion held off the record)  
 10 MR. WARSHAUER: We're back on the  
 11 record after obtaining some personal  
 12 identifying information we did not want  
 13 to appear on the stenographic record.  
 14 Q. Sir, where were you born?  
 15 A. In New York City.  
 16 Q. In Manhattan?  
 17 A. Manhattan.  
 18 Q. Sir, the first thing we're going  
 19 to do today is talk about the different  
 20 places you've lived over the course of  
 21 your lifetime, okay?  
 22 A. Okay.  
 23 Q. I'm going to start with your  
 24 current home and I'm going to work my way  
 25 backwards if that's okay; is that okay?

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1 A. Yeah.  
 2 Q. You told us earlier you  
 3 currently live at 1017 Bayside in  
 4 Rockaway Point?  
 5 A. Yeah.  
 6 Q. How long have you lived there?  
 7 A. Twenty-five years.  
 8 Q. According to that document that  
 9 you reviewed in preparation for  
 10 testifying here today, you lived there  
 11 since around 1991; does that sound about  
 12 right?  
 13 A. How many years is that?  
 14 Q. Twenty-six.  
 15 A. Yeah, yeah, very close.  
 16 Q. What type of home is that?  
 17 A. It's a one-family home.  
 18 Q. It's a single-family home?  
 19 A. Yes.  
 20 Q. Who do you live there with?  
 21 A. My wife and, well, my one son,  
 22 we had another son that passed away and  
 23 my daughter lives in Floral Park.  
 24 Q. So, right now you live there  
 25 with your wife and that's it, anybody

<p style="text-align: right;">Page 18</p> <p>1 else?</p> <p>2 A. No, my son.</p> <p>3 Q. And one son, okay.</p> <p>4 A. Yeah.</p> <p>5 Q. And the son that lives there,</p> <p>6 what's his name?</p> <p>7 A. Douglas.</p> <p>8 Q. Do you own the home?</p> <p>9 A. Yes.</p> <p>10 Q. Any mortgages, liens?</p> <p>11 A. Oh, yeah, I have a mortgage.</p> <p>12 Q. Do you know the approximate</p> <p>13 balance of the mortgage?</p> <p>14 A. Yeah. Sandy did it all, I think</p> <p>15 I got a mortgage for 80 or 90,000.</p> <p>16 Q. You took out another mortgage</p> <p>17 after Sandy?</p> <p>18 A. After Sandy, yeah, I had to</p> <p>19 rebuild.</p> <p>20 Q. You had to rebuild because of</p> <p>21 the storm?</p> <p>22 A. Yeah.</p> <p>23 Q. And you think the approximate</p> <p>24 amount of a balance on the mortgage is</p> <p>25 around 90,000?</p>	<p style="text-align: right;">Page 20</p> <p>1 A. Yeah.</p> <p>2 Q. How long did you live there?</p> <p>3 A. I think 25 years.</p> <p>4 Q. According to that same document</p> <p>5 that you reviewed in preparation for</p> <p>6 being here today, you lived there since</p> <p>7 approximately 1969; does that sound</p> <p>8 right?</p> <p>9 A. That's when I got out of the</p> <p>10 service.</p> <p>11 Q. And is that when you first lived</p> <p>12 there?</p> <p>13 A. No, no, I wouldn't -- I started</p> <p>14 living there way before I got out of the</p> <p>15 service.</p> <p>16 Q. Do you remember approximately</p> <p>17 when you started living there?</p> <p>18 A. Can't think. It had to be my</p> <p>19 whole son's life, had to be 25 years.</p> <p>20 Q. So, around middle-1960s?</p> <p>21 A. Yeah. I'm retired 25 years and</p> <p>22 I worked 25 years.</p> <p>23 Q. So, you think sometime in the</p> <p>24 middle portion of the 1960s is when you</p> <p>25 moved in there?</p>
<p style="text-align: right;">Page 19</p> <p>1 A. Yeah.</p> <p>2 Q. During the course of your living</p> <p>3 at 1017 Bayside in Rockaway Point, New</p> <p>4 York since approximately 1991, have you</p> <p>5 or anyone else performed any renovations</p> <p>6 or repairs on the home that you believe</p> <p>7 caused you to come into contact with a</p> <p>8 product or a piece of equipment or a type</p> <p>9 of material you now believe contained</p> <p>10 asbestos?</p> <p>11 A. On my present home?</p> <p>12 Q. On your present home.</p> <p>13 A. No, I don't think.</p> <p>14 Q. Now, before this home where did</p> <p>15 you live?</p> <p>16 A. I lived in Brooklyn.</p> <p>17 Q. Do you remember the address?</p> <p>18 A. Yeah. 107 -- no, that's my --</p> <p>19 1685 East 21st Street.</p> <p>20 Q. And you said that was in</p> <p>21 Brooklyn, correct?</p> <p>22 A. Yes.</p> <p>23 Q. What type of home was that?</p> <p>24 A. A Queen Anne, one-family.</p> <p>25 Q. One-family home?</p>	<p style="text-align: right;">Page 21</p> <p>1 A. Oh, yeah, definitely.</p> <p>2 Q. And did you continue to own that</p> <p>3 home after you purchased the home on</p> <p>4 Bayside for a short period of time?</p> <p>5 A. Yes.</p> <p>6 Q. So, you owned two properties for</p> <p>7 a period?</p> <p>8 A. Two properties, yeah.</p> <p>9 Approximately three years.</p> <p>10 Q. Around 1995 or so?</p> <p>11 A. I guess, yeah.</p> <p>12 Q. Who did you live at 1685 East</p> <p>13 21st Street with?</p> <p>14 A. I have trouble recalling because</p> <p>15 numbers don't come back to me too quick</p> <p>16 anymore.</p> <p>17 MR. FINLEY: Take your time.</p> <p>18 Q. Well, we're talking about the</p> <p>19 previous home that you lived you said</p> <p>20 since around the mid-1960s to around the</p> <p>21 mid-1990s.</p> <p>22 A. Yeah.</p> <p>23 Q. Did you live there with your</p> <p>24 wife?</p> <p>25 A. Yeah. I always lived with my</p>

1 wife.  
2 Q. Did your son Douglas live there  
3 as well?  
4 A. Yes.  
5 Q. Anyone else?  
6 A. No. He still lives with me, my  
7 son.  
8 Q. Understood. I just want to know  
9 if he lived at the previous home and he  
10 did, correct?  
11 A. Yeah.  
12 Q. Anyone else live there?  
13 A. No. My daughter lived there  
14 many years before she got an apartment  
15 but I think after about 20, 25 years.  
16 Q. And what's your daughter's name?  
17 A. Stephanie.  
18 Q. During the years you resided at  
19 1685 East 21st Street in Brooklyn from  
20 the mid-1960s till around the mid-1990s,  
21 did you or anybody else perform any  
22 renovations or repairs on that home that  
23 you now believe caused you to come into  
24 contact with a product or a piece of  
25 equipment or a type of material you now

1 believe contained asbestos?  
2 A. No, not that I know of.  
3 Q. Do you recall where you lived  
4 prior to 1685 East 21st Street in  
5 Brooklyn?  
6 A. Now we're getting into  
7 apartments.  
8 Q. Okay.  
9 A. All right, I lived, I lived  
10 around 64th Street and 19th Avenue.  
11 Q. According to that same document  
12 that you reviewed in preparation for  
13 testifying here today, prior to living at  
14 1685 East 21st Street you lived at 11-67  
15 69th or 70th Street; does that sound  
16 right?  
17 A. That sounds right, I'm not sure  
18 though.  
19 Q. And that was an apartment?  
20 A. Yes.  
21 Q. And you don't recall if it was  
22 on 69th or 70th, right?  
23 A. I lived on 70th Street.  
24 Q. And that's in Brooklyn, right?  
25 A. Yeah, right.

1 Q. Was that a rental apartment?  
2 A. Actually it was on 11th Avenue.  
3 Q. It was near the intersection of  
4 11th Avenue and 70th Street?  
5 A. I remember the block where the  
6 -- 11th, an apartment house.  
7 Q. So, it was actually 11 --  
8 A. A small one.  
9 Q. It was actually 11-67 11th  
10 Avenue?  
11 A. Yeah, that sounds good.  
12 Q. Was that a rental apartment?  
13 A. Yes.  
14 Q. Did you live there with your  
15 wife?  
16 A. Yes.  
17 Q. Did Douglas live there also?  
18 A. He wasn't born yet.  
19 Q. How about your daughter, was  
20 she --  
21 A. She wasn't born.  
22 Q. So, just your wife?  
23 A. Yeah, just my wife, I had no  
24 children.  
25 Q. How long did you live there?

1 A. In that apartment? Oh, I'd have  
2 to guess but it wasn't long, it was  
3 probably about two years.  
4 Q. So, this would have been in the  
5 mid-60s?  
6 A. Yes, right. Because we got  
7 married in '62.  
8 Q. And you lived there after you  
9 were married?  
10 A. Yeah.  
11 Q. During the approximately two  
12 year period of time you lived at 11-67  
13 11th Avenue in Brooklyn, New York in the  
14 mid-60s, did you or anybody else perform  
15 any renovations or repairs on that  
16 apartment that you now believe caused you  
17 to come into contact with a product or a  
18 piece of equipment or a type of material  
19 you now believe contained asbestos?  
20 A. No, no. I was just painting  
21 there.  
22 Q. Just painting, okay.  
23 A. Wallpaper and painting.  
24 Q. And you don't think any of that  
25 painting or wallpaper work caused you to

1 come into contact with asbestos?  
 2 A. I don't think so.  
 3 Q. Do you remember where you lived  
 4 prior to 11-67 11th Avenue?  
 5 A. I lived in one apartment,  
 6 six-story apartment house for about a  
 7 year but I don't know which, which end.  
 8 Q. According to that same document  
 9 that you reviewed in preparation for  
 10 testifying here today, you lived at a  
 11 location on 66th Street and 20th Avenue  
 12 in Brooklyn.  
 13 A. That's right.  
 14 Q. And you think you lived there  
 15 for about a year?  
 16 A. Yeah.  
 17 Q. This would have been in the  
 18 early 60s?  
 19 A. Yes.  
 20 Q. Was this just after you were  
 21 married?  
 22 A. Yes. This was our first  
 23 apartment.  
 24 Q. And it would have been a rental  
 25 apartment, correct?

1 A. Yes.  
 2 Q. And you just lived there with  
 3 your wife?  
 4 A. Right.  
 5 Q. During the year that you lived  
 6 at that rental apartment on 66th Street  
 7 and 20th Avenue in Brooklyn in the early  
 8 1960s, did you or anybody else perform  
 9 any renovations or repairs on that  
 10 apartment that you now believe caused you  
 11 to come into contact with a product or a  
 12 piece of equipment or a type of material  
 13 you now believe contained asbestos?  
 14 A. No, I don't think so.  
 15 Q. Do you remember where you lived  
 16 prior to the rental apartment on 66th  
 17 Street and 20th Avenue?  
 18 A. When I was still single.  
 19 Q. Where was that?  
 20 A. In Bay Ridge, 438 69th Street.  
 21 Q. Was that your parents' home?  
 22 A. Parents, yes.  
 23 Q. And that's 438 69th Street?  
 24 A. Yeah.  
 25 Q. And that's in the Bay Ridge

1 section of Brooklyn?  
 2 A. Yes.  
 3 Q. Are you okay?  
 4 A. Yeah.  
 5 MR. FINLEY: Just give him a  
 6 second.  
 7 MR. WARSHAUER: Sure.  
 8 (Discussion held off the record)  
 9 Q. How long did you live in your  
 10 parents' home on 438 69th Street in the  
 11 Bay Ridge section of Brooklyn?  
 12 A. I came there from Manhattan.  
 13 Q. How old were you?  
 14 A. I was probably about 6 or 7.  
 15 Q. Just before World War II, right?  
 16 A. I don't know.  
 17 Q. According to that same document  
 18 that you reviewed in preparation for  
 19 testifying here today, you lived at 438  
 20 69th Street in Bay Ridge from around 1940  
 21 till 1961; does that sound about right?  
 22 A. Yes. That's when I got married  
 23 in '61, '62.  
 24 Q. '61.  
 25 A. Yes.

1 Q. You lived there with your  
 2 parents, correct?  
 3 A. Yes.  
 4 Q. Brothers and sisters too?  
 5 A. Yes. Just a sister.  
 6 Q. Just a sister?  
 7 A. (Nodding in the affirmative)  
 8 Q. Was that an apartment?  
 9 A. Yes. Six room apartment.  
 10 Q. Six room apartment and your  
 11 parents rented it?  
 12 A. Yes.  
 13 Q. During the years that you lived  
 14 at 438 69th Street in the Bay Ridge  
 15 section of Brooklyn from approximately  
 16 1940 until 1961, did you or someone else  
 17 perform any renovations or repairs on  
 18 that home that you now believe caused you  
 19 to come into contact with a product or a  
 20 piece of equipment or a type of material  
 21 you now believe contained asbestos?  
 22 A. No.  
 23 Q. And you said you moved there  
 24 from Manhattan; is that correct?  
 25 A. Yes.



1 Q. Do you remember where you lived  
2 in Manhattan with your folks when you  
3 were around 5 or 6?  
4 A. Yeah, 134th Street.  
5 Q. And that's the earliest  
6 residence you can recall living at?  
7 A. Yeah. I'm lucky I can get that  
8 one.  
9 Q. And that was at 134th Street and  
10 Amsterdam?  
11 A. Yes.  
12 Q. What type of home was that, was  
13 it an apartment?  
14 A. Yeah, it was a six-story  
15 apartment house, it had about five  
16 apartments on each floor.  
17 Q. And you lived there with your  
18 parents and your sister?  
19 A. Yeah, yeah.  
20 Q. And that would have been from  
21 the time you were born in 1935 till about  
22 1940?  
23 A. Not my sister because I don't  
24 know if she was born yet.  
25 Q. She wasn't born yet.

1 A. Yeah.  
2 Q. So, just your parents.  
3 A. Yeah.  
4 Q. And you lived there from your  
5 birth until around 1940 or '41, somewhere  
6 around there?  
7 A. Yeah.  
8 Q. Do you have any present  
9 recollection of any renovation or repair  
10 work taking place at that location?  
11 A. No.  
12 Q. You were too young?  
13 A. Too small.  
14 Q. Apart from your military  
15 service, have we now talked about all the  
16 different locations you've lived in over  
17 the course of your lifetime?  
18 A. Yes.  
19 Q. We're now going to talk about  
20 your family a little bit, okay?  
21 A. Okay.  
22 Q. You mentioned your wife.  
23 A. Yeah.  
24 Q. What's her name?  
25 A. Diana.

1 Q. Your marriage to Diana, that's  
2 your only marriage, right?  
3 A. Yes.  
4 Q. And it's her only marriage,  
5 right?  
6 A. Huh?  
7 Q. It's her only marriage, she  
8 wasn't married to anybody else before  
9 you?  
10 A. No, no.  
11 Q. What's Diana's maiden name?  
12 A. Miceli.  
13 Q. Do you remember the date that  
14 you and Diana were married, your  
15 anniversary?  
16 A. Yeah. December 8th.  
17 Q. According to that same document  
18 provided to us, you were married on  
19 December 9, 1961; does that sound right?  
20 A. Yeah.  
21 MR. FINLEY: Pretty close.  
22 Q. Yes, that was pretty good.  
23 MR. FINLEY: We won't tell.  
24 THE WITNESS: I'm surprised I  
25 remember so much.

1 Q. Has Diana ever been a smoker  
2 during your marriage?  
3 A. Yes.  
4 Q. Does she still smoke?  
5 A. No.  
6 Q. When did she quit?  
7 A. Oh, I would say about fifteen  
8 years, 20 years.  
9 Q. So, the early 2000s, late  
10 1990s; --  
11 A. Yeah.  
12 Q. -- does that sound right, --  
13 A. Yeah.  
14 Q. -- late 90s, early 2000s?  
15 A. Early 2000s I would say.  
16 Q. And when she was smoking, what  
17 type of cigarettes did she smoke; do you  
18 remember?  
19 A. I know I used to smoke Pall  
20 Mall.  
21 Q. That's what she smoked?  
22 A. I don't know what she smoked.  
23 Q. We'll talk about your smoking a  
24 little later.  
25 A. I only know -- I smoked all of

1 the brands.  
2 Q. And you're not certain the brand  
3 that she smoked?  
4 A. No.  
5 Q. Do you know how much she smoked  
6 a day?  
7 A. About a pack a day, I think we  
8 both did the same.  
9 Q. And did she smoke in the house?  
10 A. Yeah. We weren't fanatical in  
11 those days.  
12 Q. How is Diana's health today?  
13 A. Well, lately she's been having  
14 -- her blood platelets are giving her a  
15 hard time. She had a mastectomy.  
16 Q. She's been treated for breast  
17 cancer?  
18 A. Yeah. I guess she has, they  
19 removed her breast.  
20 Q. Any other type of cancer or  
21 breathing or respiratory ailments to your  
22 knowledge?  
23 A. No.  
24 Q. You said her platelets have been  
25 giving her trouble?

1 A. Yeah, they're too low.  
2 Q. Has the doctor told her why her  
3 platelets are too low?  
4 A. They been giving her a hell of a  
5 time too because she can't get them up,  
6 you know. She'll get them up for a  
7 little while, they give her some drugs  
8 and they go back down.  
9 Q. Has Diana ever worked outside of  
10 the home during your marriage?  
11 A. Yes. She was working at a  
12 school, I don't know exactly what she did  
13 in the school, she wasn't a teacher.  
14 Q. In which school?  
15 A. I don't know.  
16 Q. In a school in New York City?  
17 A. Yes.  
18 Q. In Brooklyn?  
19 A. I think so, yeah.  
20 Q. You don't know what she did?  
21 A. No.  
22 Q. Was she a guidance counselor or  
23 -- she wasn't a teacher, we know that,  
24 right?  
25 A. Right, she wasn't a teacher.

1 Q. Did she work for the New York  
2 City public schools or a private school?  
3 A. Public.  
4 Q. And you're not certain what she  
5 did?  
6 A. Some -- I don't know what she  
7 did, I forget.  
8 Q. That's fine. When did she stop  
9 working?  
10 A. Basically I guess as long as I'm  
11 married, after a few years of marriage  
12 she started working.  
13 Q. When did she stop?  
14 A. Oh, I don't know.  
15 Q. Has it been more than ten years?  
16 A. Oh, yeah, I think so, yeah.  
17 Q. More than 20 years?  
18 A. No, I don't know.  
19 Q. Does she receive a pension or  
20 any retirement benefits from her work?  
21 A. No.  
22 Q. Does she get Social Security?  
23 A. Yes.  
24 Q. Do you know how much she  
25 receives in Social Security?

1 A. I don't know, maybe 500.  
2 Q. Five hundred a month?  
3 A. Yeah.  
4 Q. Does your wife have any other  
5 source of monthly income apart from the  
6 Social Security?  
7 A. No.  
8 Q. Do you consider Diana to be  
9 financially dependent upon you for  
10 support?  
11 A. Absolutely.  
12 Q. You guys file a joint tax  
13 return?  
14 A. Yeah.  
15 MR. FINLEY: Are you okay?  
16 THE WITNESS: Yeah.  
17 Q. Do you know Diana's date of  
18 birth?  
19 A. [REDACTED] 1940.  
20 Q. Are your parents both deceased?  
21 A. Yes.  
22 Q. What was your father's name?  
23 A. Frederick.  
24 Q. Frederick?  
25 A. Yes, same as mine.

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<p style="text-align: right;">Page 38</p> <p>1 Q. When did Frederick pass away?</p> <p>2 A. That's a toughy.</p> <p>3 Q. Okay.</p> <p>4 A. I don't know when.</p> <p>5 Q. According to that same document</p> <p>6 that you reviewed in preparation for</p> <p>7 testifying here this morning, he passed</p> <p>8 away in around 1979 at the age of 76;</p> <p>9 does that sound right?</p> <p>10 A. That sounds good.</p> <p>11 Q. Do you know what the cause of</p> <p>12 his death was?</p> <p>13 A. I have feeling it was TB, I'm</p> <p>14 not sure.</p> <p>15 Q. You said TB?</p> <p>16 A. Yeah, tuberculosis.</p> <p>17 Q. He had tuberculosis at some</p> <p>18 point during his lifetime?</p> <p>19 A. At the end there.</p> <p>20 Q. Did he also have bone cancer?</p> <p>21 A. I think he did too. I think</p> <p>22 they misinterpreted one for the other, I</p> <p>23 was never sure on that.</p> <p>24 Q. So, to the best of your</p> <p>25 knowledge he died from either</p>	<p style="text-align: right;">Page 40</p> <p>1 Q. Did you ever work with him</p> <p>2 there?</p> <p>3 A. No.</p> <p>4 Q. What did he do for Sheffield</p> <p>5 Farms Milk Company in Bay Ridge?</p> <p>6 A. He was delivering milk with a</p> <p>7 truck and then he quit that and he just</p> <p>8 took care of, took care of the horses.</p> <p>9 Q. So, he was a milkman for a while</p> <p>10 and then he took care of the horses?</p> <p>11 A. Took care of the stable and the</p> <p>12 horses, had a big place there on 60th</p> <p>13 Street.</p> <p>14 Q. What was your mother's name?</p> <p>15 A. Laura, Laura Francis.</p> <p>16 Q. When did Laura pass away?</p> <p>17 A. She passed away before him,</p> <p>18 about six or eight years before him.</p> <p>19 Q. Was she around 81 at the time</p> <p>20 that she passed?</p> <p>21 A. I guess so, I don't know, I have</p> <p>22 trouble adding up.</p> <p>23 Q. Do you know what the cause of</p> <p>24 her death was?</p> <p>25 A. I should know that.</p>
<p style="text-align: right;">Page 39</p> <p>1 tuberculosis or bone cancer and you're</p> <p>2 not sure which?</p> <p>3 A. That would cover it.</p> <p>4 Q. Was he a smoker?</p> <p>5 A. Yes.</p> <p>6 Q. Did he smoke cigarettes?</p> <p>7 A. Yes.</p> <p>8 Q. Do you know how much he smoked a</p> <p>9 day?</p> <p>10 A. He smoked a good pack a day.</p> <p>11 Q. Do you know the brand?</p> <p>12 A. Dunhill.</p> <p>13 Q. Are those unfiltered?</p> <p>14 A. Yes.</p> <p>15 Q. Did he smoke in the family homes</p> <p>16 that you lived in with him?</p> <p>17 A. Yes.</p> <p>18 Q. What did he do for a living?</p> <p>19 A. He worked for Sheffield Farms</p> <p>20 Milk Company.</p> <p>21 Q. For?</p> <p>22 A. Sheffield Farms.</p> <p>23 Q. Where was Sheffield Farms Milk</p> <p>24 Company located?</p> <p>25 A. In Bay Ridge, Brooklyn.</p>	<p style="text-align: right;">Page 41</p> <p>1 Q. Was it a heart attack?</p> <p>2 A. Oh, yes, yes, yes, it is. She</p> <p>3 had a heart attack in her sleep in</p> <p>4 Ireland.</p> <p>5 Q. She was in Ireland at the time?</p> <p>6 A. Yeah. Her and my father were</p> <p>7 visiting in Ireland and she had a heart</p> <p>8 attack and that's it. That's the way to</p> <p>9 go.</p> <p>10 Q. Was your mother a smoker?</p> <p>11 A. Yes.</p> <p>12 Q. She smoked cigarettes?</p> <p>13 A. Yeah.</p> <p>14 Q. Do you know the brand?</p> <p>15 A. I guess the same as my father,</p> <p>16 Dunhill or Pall Mall.</p> <p>17 Q. Do you know how much she smoked</p> <p>18 a day?</p> <p>19 A. Probably about a pack.</p> <p>20 Q. Did she also smoke in the family</p> <p>21 home?</p> <p>22 A. Yeah.</p> <p>23 Q. Did your mother also work</p> <p>24 outside of the home?</p> <p>25 A. Yeah.</p>

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<p style="text-align: right;">Page 42</p> <p>1 Q. What did she do?</p> <p>2 A. She was a house cleaner,</p> <p>3 caretaker.</p> <p>4 Q. Did you ever work with your</p> <p>5 mother in any capacity?</p> <p>6 A. No.</p> <p>7 Q. Did your mother ever suffer from</p> <p>8 any form of cancer, breathing, lung or</p> <p>9 respiratory ailments during her lifetime?</p> <p>10 A. No.</p> <p>11 Q. You have three children, two are</p> <p>12 still living, correct?</p> <p>13 A. Yes.</p> <p>14 Q. You told me previously your</p> <p>15 daughter is Stephanie, correct?</p> <p>16 A. Yes.</p> <p>17 Q. How old is Stephanie?</p> <p>18 A. That's another good question.</p> <p>19 Q. I'm full of good questions.</p> <p>20 MR. FINLEY: Full of good</p> <p>21 questions.</p> <p>22 To the best of your knowledge.</p> <p>23 A. My wife keeps all these things</p> <p>24 in her head.</p> <p>25 MR. FINLEY: So you don't have to.</p>	<p style="text-align: right;">Page 44</p> <p>1 Q. So, she started off as a</p> <p>2 secretary for a lawyer and then she</p> <p>3 worked for an accountant?</p> <p>4 A. No, she became an accountant.</p> <p>5 Q. She became an accountant, okay.</p> <p>6 A. Her own business, yeah. And</p> <p>7 she's still doing that.</p> <p>8 Q. How is Stephanie's health today?</p> <p>9 A. Other than the platelets it's</p> <p>10 great.</p> <p>11 Q. Other than the platelets.</p> <p>12 A. Right.</p> <p>13 Q. Has Stephanie ever been</p> <p>14 diagnosed with any form of --</p> <p>15 A. Wait, she has diverticulitis.</p> <p>16 Q. She has diverticulitis?</p> <p>17 A. Yes. She's finishing up with</p> <p>18 surgery.</p> <p>19 Q. Has she ever been diagnosed with</p> <p>20 any form of cancer, breathing, lung or</p> <p>21 respiratory ailments?</p> <p>22 A. No.</p> <p>23 Q. Is Stephanie a smoker?</p> <p>24 A. No.</p> <p>25 Q. Have you ever worked with</p>
<p style="text-align: right;">Page 43</p> <p>1 Q. Let me see if I can help you.</p> <p>2 According to that same document that you</p> <p>3 reviewed in preparation for testifying</p> <p>4 here today, Stephanie is about 51; does</p> <p>5 that sound about right?</p> <p>6 A. Yeah, yeah.</p> <p>7 Q. She was born in 1966?</p> <p>8 A. That sounds good.</p> <p>9 Q. Where does Stephanie live?</p> <p>10 A. She lives in -- now she lives in</p> <p>11 Breezy Point.</p> <p>12 Q. Does she live on 125 Beach 124th</p> <p>13 Street?</p> <p>14 A. Yes.</p> <p>15 Q. Breezy Point or Belle Harbor?</p> <p>16 A. Yeah.</p> <p>17 Q. Is she married?</p> <p>18 A. No.</p> <p>19 Q. Does she have any children?</p> <p>20 A. No.</p> <p>21 Q. What does she do for a living?</p> <p>22 A. She was a secretary, you know,</p> <p>23 she started up with a lawyer and then she</p> <p>24 went into business on her own,</p> <p>25 accountant.</p>	<p style="text-align: right;">Page 45</p> <p>1 Stephanie?</p> <p>2 A. Yeah, she worked with me</p> <p>3 painting.</p> <p>4 Q. She did some side work painting</p> <p>5 with you?</p> <p>6 A. Yeah, she did.</p> <p>7 Q. She didn't like it?</p> <p>8 A. She loved it.</p> <p>9 Q. Oh, she did like it.</p> <p>10 A. She loved it. So did the</p> <p>11 customers, she had long red hair.</p> <p>12 Q. Is Stephanie in any way</p> <p>13 financially dependent upon you?</p> <p>14 A. No, no.</p> <p>15 Q. And you have a son Douglas; is</p> <p>16 that correct?</p> <p>17 A. Yes.</p> <p>18 Q. How old is Douglas?</p> <p>19 A. He's younger than Stephanie.</p> <p>20 Q. He's about 46?</p> <p>21 A. Yeah, 46, 47.</p> <p>22 Q. Born in 1970?</p> <p>23 A. That sounds right.</p> <p>24 Q. Where does Douglas live, he</p> <p>25 lives with you, right?</p>

12 (Pages 42 - 45)

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1 A. Right.  
 2 Q. Is he married?  
 3 A. No.  
 4 Q. Does he have any children?  
 5 A. No.  
 6 Q. What does Douglas do for a  
 7 living?  
 8 A. He just started a job working  
 9 for the post office in the airport.  
 10 Before that he was just a contractor  
 11 painting, did his own jobs.  
 12 Q. How is Douglas' health today?  
 13 A. Oh, he's good. He's got a  
 14 smoker's cough but that's about it.  
 15 Q. He's a smoker, right?  
 16 A. Yeah.  
 17 Q. How much does he smoke a day?  
 18 A. I would say a pack a day, a  
 19 little over, same thing.  
 20 Q. Do you know the brand?  
 21 A. No.  
 22 Q. And I think you already told me  
 23 that he smokes in the home?  
 24 A. Yeah.  
 25 MR. FINLEY: Does he smoke in your

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1 home?  
 2 THE WITNESS: Yes.  
 3 Q. Has he ever been diagnosed or  
 4 treated for any form of cancer or  
 5 breathing or lung or respiratory ailment  
 6 apart from the smoker's cough?  
 7 A. No. He was always very -- he  
 8 doesn't smoke in front of me in the  
 9 house, not in the house anymore.  
 10 Q. Did you ever work with Douglas?  
 11 A. Yes.  
 12 Q. Painting?  
 13 A. Yeah.  
 14 Q. Anywhere else?  
 15 A. Yeah. Painting, roofing,  
 16 leaders, gutters.  
 17 Q. Do you consider Douglas to be  
 18 financially dependent upon you?  
 19 A. Occasionally.  
 20 Q. Does he pay rent?  
 21 A. Occasionally.  
 22 Q. Occasionally pays rent. When he  
 23 occasionally pays rent, how much does he  
 24 pay?  
 25 A. Oh, I don't know, my wife

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1 handles that.  
 2 Q. You don't know, okay. Do you  
 3 know how often he pays?  
 4 A. I don't know, I don't keep up  
 5 with that.  
 6 Q. Your wife would know that?  
 7 A. Yeah, she would know.  
 8 Q. You have one child that's passed  
 9 away?  
 10 A. Yes.  
 11 Q. I'm sorry to hear that. What  
 12 was that child's name?  
 13 A. David.  
 14 Q. When did David pass away?  
 15 A. Oh, years ago. I can't get it  
 16 down but probably about 20 years ago.  
 17 Q. So, around 1997 or so?  
 18 A. Yeah.  
 19 Q. Do you know the cause of his  
 20 death?  
 21 A. Funny how things slip out of my  
 22 head.  
 23 Q. Was it pancreatitis?  
 24 A. Yes.  
 25 Q. Did he ever suffer from any form

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1 of cancer to your knowledge?  
 2 A. Not that I know of.  
 3 Q. Any breathing or respiratory  
 4 ailments?  
 5 A. No.  
 6 Q. Was he a smoker?  
 7 A. No.  
 8 Q. Did you ever work with David?  
 9 A. Yeah, he worked with me for...  
 10 Q. Side work again, painting, --  
 11 A. Yeah.  
 12 Q. -- roofing?  
 13 A. Yeah.  
 14 Q. You mentioned you had a sister?  
 15 A. Yes.  
 16 Q. No brothers?  
 17 A. No.  
 18 Q. What's your sister's name?  
 19 A. Una; U-N-A.  
 20 Q. How old is Una?  
 21 A. She passed away.  
 22 Q. Oh, I'm sorry to hear that.  
 23 When did she pass away?  
 24 A. Oh, I would say, I have a rough  
 25 idea, fifteen years ago.

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<p>1 Q. Around 2002 or so?</p> <p>2 A. Yeah, I think so. You can add</p> <p>3 better than me.</p> <p>4 Q. What was the cause of her death?</p> <p>5 A. Now I need my wife.</p> <p>6 Q. And again, if you don't know</p> <p>7 just tell me you don't know.</p> <p>8 MR. FINLEY: If you don't remember</p> <p>9 it --</p> <p>10 Q. That I don't have in my little</p> <p>11 document here, I don't know what the</p> <p>12 cause of her passing was, I don't have</p> <p>13 that. You don't know what the cause of</p> <p>14 her passing was?</p> <p>15 A. No.</p> <p>16 Q. Do you know if she ever suffered</p> <p>17 from any form of cancer, breathing, lung</p> <p>18 or respiratory ailments?</p> <p>19 A. No.</p> <p>20 Q. What did she do for a living?</p> <p>21 A. She worked for a bank.</p> <p>22 Q. Did you ever work with her?</p> <p>23 A. No.</p> <p>24 Q. Other than your children did you</p> <p>25 ever have occasion to work with any other</p>	<p>1 told me about, is there any history of</p> <p>2 cancer, breathing, lung or respiratory</p> <p>3 ailments within your family?</p> <p>4 A. No.</p> <p>5 Q. To your knowledge have any of</p> <p>6 your relatives ever filed an</p> <p>7 asbestos-related lawsuit?</p> <p>8 A. No.</p> <p>9 Q. How far did you go in school?</p> <p>10 A. One year of college.</p> <p>11 Q. And what college was that?</p> <p>12 A. University of Maryland.</p> <p>13 Q. University of?</p> <p>14 A. Maryland.</p> <p>15 Q. In College Park?</p> <p>16 A. Yeah.</p> <p>17 Q. What did you study during that</p> <p>18 one year?</p> <p>19 A. I did a mail-in course.</p> <p>20 Q. You weren't actually physically</p> <p>21 there, it was like a correspondence</p> <p>22 thing?</p> <p>23 A. No, no. I attended the,</p> <p>24 attended the -- completed tests and</p> <p>25 everything and they send it back.</p>
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<p>1 relatives for pay, uncles, aunts,</p> <p>2 cousins?</p> <p>3 A. Did I have?</p> <p>4 Q. Yes. Did you ever work with any</p> <p>5 other relatives other than your children?</p> <p>6 A. Yes, my nephew.</p> <p>7 Q. What was his name?</p> <p>8 A. Keith McDermott.</p> <p>9 Q. McDermott?</p> <p>10 A. Yeah.</p> <p>11 Q. Where did you work with Keith</p> <p>12 McDermott?</p> <p>13 A. All around Brooklyn.</p> <p>14 Q. Same type of work, side work,</p> <p>15 painting, roofing?</p> <p>16 A. Right.</p> <p>17 Q. What years was this?</p> <p>18 A. Oh, you're going to have to -- I</p> <p>19 don't have that one.</p> <p>20 Q. Was this during the 60s or 70s?</p> <p>21 A. In the 60s I guess.</p> <p>22 Q. Anybody else other than your</p> <p>23 children and your nephew Keith McDermott?</p> <p>24 A. No, no relatives.</p> <p>25 Q. Other than what you've already</p>	<p>1 Q. And what did you study?</p> <p>2 A. I think psychology.</p> <p>3 Q. Did you graduate high school?</p> <p>4 A. Yes.</p> <p>5 Q. What high school did you</p> <p>6 graduate?</p> <p>7 A. Fort Hamilton High School.</p> <p>8 Q. Do you remember the year you</p> <p>9 graduated?</p> <p>10 A. Yeah. I can get that one up,</p> <p>11 '58, '55...</p> <p>12 Q. Do you know approximately how</p> <p>13 old you were when you graduated?</p> <p>14 A. Yeah, 18, 19.</p> <p>15 Q. So, it was around '53 or '54 you</p> <p>16 think you graduated?</p> <p>17 A. '53 that was, that was it.</p> <p>18 Q. Any other formal education other</p> <p>19 than the one year that you did the</p> <p>20 correspondence type coursework through</p> <p>21 the University of Maryland, any other</p> <p>22 education?</p> <p>23 A. No.</p> <p>24 Q. Any vocational or trade school?</p> <p>25 A. No.</p>

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1 Q. Have you ever been convicted of  
2 any criminal offense other than a minor  
3 thing like a traffic ticket?  
4 A. No.  
5 MR. WARSIAUER: Do you want to  
6 take a break?  
7 MR. FINLEY: Yes, let's take about  
8 ten minutes, stretch your legs a little  
9 bit.  
10 THE WITNESS: Whatever you want to  
11 do.  
12 Q. Sir, we're going to take a break  
13 and then come back and talk about your  
14 military service.  
15 (Whereupon, at 11:05 A.M., a short  
16 recess was taken)  
17 (Back on the record at 11:36 A.M.)  
18 Q. Sir, we're back on the record  
19 after a break, are you able to continue  
20 with your testimony?  
21 A. Yeah, sure.  
22 Q. When you were still in high  
23 school, did you have occasion to hold any  
24 part-time or full-time employment?  
25 A. Part-time.

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1 Q. What's the first job you can  
2 recall holding in your lifetime, the  
3 first thing you ever did?  
4 A. Delivery boy in a grocery store.  
5 Q. A grocery store and you were a  
6 delivery boy?  
7 A. Yeah.  
8 Q. Do you remember the name of the  
9 store?  
10 A. 69th Street market.  
11 Q. How old were you when you worked  
12 there?  
13 A. Fifteen I think.  
14 Q. And that was in Brooklyn?  
15 A. Yes.  
16 Q. How long did you work at the  
17 69th Street market in Brooklyn?  
18 A. It was a part-time job until I  
19 finished high school.  
20 Q. So, that would have been from  
21 around 1950 to '53, somewhere around  
22 there?  
23 A. Yeah, about three years.  
24 Q. About three years and you  
25 delivered groceries?

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1 A. Yes.  
2 Q. Sir, do you have any reason to  
3 believe you would have come into contact  
4 with any product or material or type of  
5 equipment that you now believe may have  
6 contained asbestos in connection with  
7 those three years you spent working as a  
8 delivery boy for the 69th Street market  
9 in Brooklyn?  
10 A. No.  
11 Q. Did you hold any other  
12 employment while you were in high school?  
13 A. Yeah. Move across the street to  
14 a meat market, starting delivering meat.  
15 Q. What was the name of the meat  
16 market?  
17 A. Can't remember.  
18 Q. Was it on 69th Street?  
19 A. Third Avenue and 69th but on  
20 Third.  
21 Q. So, a meat market on Third  
22 Avenue and 69th; --  
23 A. Yeah.  
24 Q. -- is that correct?  
25 A. Yes.

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1 Q. And did you start working there  
2 just before you graduated high school?  
3 A. About two years before I  
4 graduated.  
5 Q. So, that would have been around  
6 '51 or so?  
7 A. Yeah.  
8 Q. And once again you were a  
9 delivery boy?  
10 A. Yeah.  
11 Q. Any reason to believe you came  
12 into contact with any product or material  
13 or type of equipment that you now believe  
14 contained asbestos in connection with the  
15 two years you spent working at the meat  
16 market on Third Avenue and 69th Street?  
17 A. No.  
18 Q. Anywhere else you can recall  
19 working during high school?  
20 A. No.  
21 Q. So, you graduated high school to  
22 the best of your recollection around June  
23 of '53, somewhere around there?  
24 A. Yeah.  
25 Q. I take it you found a job after

1 you graduated?  
 2 A. Yeah.  
 3 Q. Where did you go to work?  
 4 A. United Vari-Crafts.  
 5 Q. United?  
 6 A. Vari; V-A-R-I, dash, Crafts.  
 7 Q. United Vari-Crafts?  
 8 A. Yeah. That was on 9th Street  
 9 and Seventh and Eighth Avenue I believe.  
 10 Q. 9th Street and Eighth Avenue in  
 11 Brooklyn?  
 12 A. Yes.  
 13 Q. You think you started working  
 14 there in '53, --  
 15 A. Yeah.  
 16 Q. -- somewhere around there?  
 17 A. Yeah, yeah, just when I  
 18 graduated.  
 19 Q. How long did you work at United  
 20 Vari-Crafts?  
 21 A. Oh, for a few years and then...  
 22 Q. So, '53 to '54 or '55?  
 23 A. Yeah. Then I went to the navy  
 24 yard.  
 25 Q. What type of business was United

1 A. Yeah.  
 2 Q. -- do you have any reason to  
 3 believe you would have come into contact  
 4 with any product or material or type of  
 5 equipment that you now believe may have  
 6 contained asbestos?  
 7 A. No.  
 8 Q. Was the sheet metal shop that  
 9 you worked in, was it a factory-type  
 10 setting or factory-type shop?  
 11 A. Well, they manufactured letters  
 12 and stuff, all different types of 6 foot  
 13 letters.  
 14 Q. Right. Did you notice the  
 15 presence of any insulated or overhead  
 16 piping within the confines of the work  
 17 area at this location?  
 18 A. No, no.  
 19 Q. And you said the next place you  
 20 went to, you went into the navy yard?  
 21 A. After sheet metal, yeah, yeah.  
 22 Q. There's a couple of other  
 23 companies that I want to ask you about  
 24 that are listed in your Answers to  
 25 Interrogatories, I just want to ask you

1 Vari-Crafts?  
 2 A. They made signs, all different  
 3 types of Plexiglass signs and stainless  
 4 steel signs and galvanized signs. They  
 5 made signs for John Barley (phonetic), I  
 6 don't know if you ever heard of them.  
 7 Q. What were you hired as?  
 8 A. A sheet metal mechanic.  
 9 Q. So, you were a sheet metal  
 10 mechanic for a company that made signs?  
 11 A. Yeah.  
 12 Q. Did you have to join a union?  
 13 A. No. You had a union but it was  
 14 a fugazi union, like, it was nothing.  
 15 Q. Were you a member?  
 16 A. Yeah, but I didn't pay for it.  
 17 Q. It wasn't a real union?  
 18 A. No, I don't think so.  
 19 Q. Did it have a local number or  
 20 no?  
 21 A. No, no. Couple of local strong  
 22 arms.  
 23 Q. During the period of time that  
 24 you worked for United Vari-Crafts on 9th  
 25 Street and Eighth Avenue in Brooklyn, --

1 if you ever recall working for these  
 2 companies.  
 3 Did you ever work for a company  
 4 known as E.D. Rakison Sheet Metal shop?  
 5 A. Yes.  
 6 Q. Was that before or after United  
 7 Vari?  
 8 A. That was United Vari.  
 9 Q. So, United Vari is the same  
 10 company --  
 11 A. Yeah.  
 12 Q. -- as E.D. Rakison?  
 13 A. Right, yeah. He owned that  
 14 company.  
 15 Q. You called it United Vari?  
 16 A. Yeah.  
 17 Q. Were you paid on or off the  
 18 books for your work?  
 19 A. On the books.  
 20 Q. So, if we looked at your Social  
 21 Security earning statement, this work  
 22 would appear on it?  
 23 A. I assume so, yeah.  
 24 Q. Do you remember the name that  
 25 appeared on your checks when you were



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<p style="text-align: right;">Page 62</p> <p>1 paid every week?</p> <p>2 A. No.</p> <p>3 Q. Would it have been United Vari</p> <p>4 or would it have been E.D. Rakison Sheet</p> <p>5 Metal?</p> <p>6 A. I don't know.</p> <p>7 Q. You don't know?</p> <p>8 A. I don't know.</p> <p>9 Q. But United Vari-Crafts is the</p> <p>10 same company or entity as E.D. Rakison?</p> <p>11 A. Right.</p> <p>12 Q. Did you also work for E.D.</p> <p>13 Rakison at a location on Union Street and</p> <p>14 Fifth Avenue?</p> <p>15 A. That was before, it was before</p> <p>16 Union Street and Eighth Avenue.</p> <p>17 Q. That's the same --</p> <p>18 A. Same company.</p> <p>19 Q. You had mentioned 9th Street and</p> <p>20 Eighth Avenue, it was previously on Union</p> <p>21 Street and Eighth Avenue?</p> <p>22 A. (No verbal response given)</p> <p>23 Q. In other words, you told me</p> <p>24 United Vari was on 9th Street and Eighth</p> <p>25 Avenue in Brooklyn.</p>	<p style="text-align: right;">Page 64</p> <p>1 Union Street and Seventh Avenue location?</p> <p>2 A. I think until I went into the</p> <p>3 service.</p> <p>4 Q. So, this would have been from</p> <p>5 '55 throughout the remainder of the 50s?</p> <p>6 A. Yeah. From '55 to '58 or --</p> <p>7 Q. Well, we'll get to your service</p> <p>8 in a little while.</p> <p>9 A. I think, I might be overlapping</p> <p>10 a few years.</p> <p>11 Q. You think you worked at United</p> <p>12 Vari on Union Street and Seventh Avenue</p> <p>13 for three or four years?</p> <p>14 A. I think so, yeah.</p> <p>15 Q. And were you also a sheet metal</p> <p>16 mechanic at that location?</p> <p>17 A. Yes.</p> <p>18 Q. Did you do the same work at the</p> <p>19 Union Street and Seventh Avenue location</p> <p>20 that you had previously done on the 9th</p> <p>21 Street and Fifth Avenue location?</p> <p>22 A. Yes.</p> <p>23 Q. You were making signs?</p> <p>24 A. Yup.</p> <p>25 Q. Were you operating any</p>
<p style="text-align: right;">Page 63</p> <p>1 A. Yeah, that was -- we went from</p> <p>2 the sheet metal shop on Fifth Avenue</p> <p>3 between 8th and 9th to a sheet metal shop</p> <p>4 on Union Street between 7th and 8th, two</p> <p>5 different shops.</p> <p>6 Q. The first shop, where was it</p> <p>7 located?</p> <p>8 A. On 9th Street and Fifth Avenue.</p> <p>9 Q. 9th Street and Fifth Avenue?</p> <p>10 A. Yes.</p> <p>11 Q. And how long did you work at</p> <p>12 that location?</p> <p>13 A. Only about a year and a half.</p> <p>14 Q. So, that would have been around</p> <p>15 '53 to '54 or '55?</p> <p>16 A. Yeah, yeah.</p> <p>17 Q. And then where did the shop go</p> <p>18 after that?</p> <p>19 A. That went to Union Street and</p> <p>20 Seventh and Eighth Avenue. Same company,</p> <p>21 same avenue, they just moved the whole</p> <p>22 shop.</p> <p>23 Q. Union Street and Seventh Avenue?</p> <p>24 A. Yes.</p> <p>25 Q. And how long did you work at the</p>	<p style="text-align: right;">Page 65</p> <p>1 machinery?</p> <p>2 A. No, not really.</p> <p>3 Q. How would you go about making or</p> <p>4 fabricating the signs?</p> <p>5 A. Well, actually what it was, we</p> <p>6 use brakes for bending the sheet metal</p> <p>7 and shears for cutting.</p> <p>8 Q. You used shears?</p> <p>9 A. Yeah. A full length shear, you</p> <p>10 know, like an 8 foot shear.</p> <p>11 Q. During the course of the three</p> <p>12 or four years you spent working at the</p> <p>13 shop on Union Street and Seventh Avenue</p> <p>14 for United Vari, do you have any reason</p> <p>15 to believe you either worked directly</p> <p>16 with or around any product or material or</p> <p>17 type of equipment that you now believe</p> <p>18 contained asbestos?</p> <p>19 A. No.</p> <p>20 Q. Did you also work for United</p> <p>21 Vari or E.D. Rakison at a location in</p> <p>22 Freeport?</p> <p>23 A. Yes.</p> <p>24 Q. Was that after the Union Street</p> <p>25 and Seventh Avenue --</p>

17 (Pages 62 - 65)

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1 A. Yes.  
 2 Q. -- location? Was it still known  
 3 as United Vari?  
 4 A. Yes.  
 5 Q. How long did you work at the  
 6 Freeport location?  
 7 A. Between two and three years I  
 8 guess.  
 9 Q. This would have been in the late  
 10 50s?  
 11 A. Yeah. Not too late because I  
 12 joined the service in '55.  
 13 Q. Well, according to the  
 14 information we've been provided, you  
 15 joined the service, which we'll get to in  
 16 a little bit, in '59.  
 17 A. Yeah.  
 18 Q. Is that correct or was it  
 19 earlier than that?  
 20 A. I don't know, get my bearings on  
 21 that one.  
 22 Q. How old were you when you joined  
 23 the service?  
 24 A. Things are getting muddled.  
 25 MR. FINLEY: Take your time, take

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1 your time.  
 2 Q. It's just what you can recall.  
 3 A. '53 or '55 was...  
 4 Q. In other words, you graduated  
 5 high school around '53.  
 6 A. Right, as far as the zeroing in.  
 7 Q. You worked for United Vari on  
 8 9th Street and Fifth Avenue from around  
 9 '53 to '55, somewhere around there; does  
 10 that sound about right?  
 11 A. Yeah.  
 12 Q. Then you moved to the United  
 13 Vari location on Union Street and Seventh  
 14 Avenue for about two years from '55 to  
 15 '57.  
 16 A. Yes.  
 17 Q. Then you went to United Vari in  
 18 Freeport from around '58 to '59,  
 19 somewhere around there; does that sound  
 20 right?  
 21 A. Yeah. Then I went to the navy  
 22 yard after that.  
 23 Q. Right. And then you joined the  
 24 service.  
 25 A. Yeah.

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1 Q. I understand this is a long time  
 2 ago and you may be a little off on the  
 3 dates but does that sound about right?  
 4 A. Yeah.  
 5 Q. Were you still a sheet metal  
 6 mechanic for United Vari at the Freeport  
 7 location?  
 8 A. Yes.  
 9 Q. What were you doing at the  
 10 Freeport location for United Vari?  
 11 A. Making signs, the Bulova  
 12 company, watch company.  
 13 Q. For the Bulova watch company?  
 14 A. Yeah. And it was a big name at  
 15 the time.  
 16 Q. Were you still bending sheet  
 17 metal with the shears?  
 18 A. Yeah. Bending the sheet metal  
 19 with the brake, brake they call it.  
 20 Q. What do they call it?  
 21 A. Brake, brake, the sheet metal  
 22 brakes; B-R-A-K-E.  
 23 Q. During the year or two you  
 24 worked as a sheet metal mechanic for  
 25 United Vari at the Freeport location

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1 around '58 to '59, do you have any reason  
 2 to believe you either worked directly  
 3 with or around any product or material or  
 4 type of equipment that you now believe  
 5 contained asbestos?  
 6 A. No.  
 7 Q. Did you notice the presence of  
 8 any insulated or overhead piping at the  
 9 Freeport location?  
 10 A. No.  
 11 Q. And after you worked at the  
 12 Freeport location, you went and worked at  
 13 the navy yard for a period of time?  
 14 A. Yes.  
 15 Q. You think that was around '59 or  
 16 so, late 50s?  
 17 A. Yeah -- I don't think -- I can't  
 18 get a base year.  
 19 MR. FINLEY: Take your time.  
 20 Q. How did you come to be employed  
 21 at the Brooklyn Navy Yard?  
 22 A. I went down there looking for a  
 23 job and I took a test.  
 24 Q. And were you an employee of the  
 25 United States government?

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<p style="text-align: right;">Page 70</p> <p>1 A. No.</p> <p>2 Q. Who were you employed by?</p> <p>3 A. Oh, I don't know who I was</p> <p>4 employed by.</p> <p>5 Q. You weren't working for a</p> <p>6 contractor at the Brooklyn --</p> <p>7 A. No.</p> <p>8 Q. -- Navy Yard, --</p> <p>9 A. No.</p> <p>10 Q. -- you were working for the</p> <p>11 government, right?</p> <p>12 A. Yeah, I think.</p> <p>13 Q. How long did you work at the</p> <p>14 Brooklyn Naval Shipyard?</p> <p>15 A. Oh, I think about two years,</p> <p>16 three years, I don't know.</p> <p>17 Q. According to the information</p> <p>18 we've been provided, you worked there</p> <p>19 from approximately 1959 until 1961 or</p> <p>20 '62; does that sound about right?</p> <p>21 A. Yeah, right on the money.</p> <p>22 Q. And what were you hired as?</p> <p>23 A. Sheet metal worker, sheet metal</p> <p>24 mechanic.</p> <p>25 Q. Where were you working at the</p>	<p style="text-align: right;">Page 72</p> <p>1 duties and responsibilities?</p> <p>2 A. Grinding down the metal, making</p> <p>3 sure it fitted into where it's supposed</p> <p>4 to go in the joints.</p> <p>5 Q. And what were you grinding down</p> <p>6 metal for; in other words, what was the</p> <p>7 metal going to be used for?</p> <p>8 A. To support different walls.</p> <p>9 Q. In other words, where would the</p> <p>10 metal go after you ground it down?</p> <p>11 A. Going up the hull of the</p> <p>12 bulkhead inside the ship.</p> <p>13 Q. But you weren't working in the</p> <p>14 ship at this time, you were working in</p> <p>15 shop 17.</p> <p>16 A. In the shop making parts for the</p> <p>17 ship, then later on it went out.</p> <p>18 Q. And then someone would</p> <p>19 subsequently bring the parts you made or</p> <p>20 fabricated onto the ship?</p> <p>21 A. Yes.</p> <p>22 Q. What would you use to grind down</p> <p>23 the metal that would become the bulkhead?</p> <p>24 A. Just a stone, a regular stone.</p> <p>25 Q. What were your hours working at</p>
<p style="text-align: right;">Page 71</p> <p>1 Brooklyn Naval Shipyard?</p> <p>2 A. Well, I started off in the sheet</p> <p>3 metal shop.</p> <p>4 Q. How long did you work in the</p> <p>5 sheet metal shop?</p> <p>6 A. For about six to -- about eight,</p> <p>7 nine months.</p> <p>8 Q. Was it called the sheet metal</p> <p>9 shop or was it called --</p> <p>10 A. Yeah.</p> <p>11 Q. -- something else?</p> <p>12 A. Shop 17.</p> <p>13 Q. So, sheet metal shop number</p> <p>14 17 --</p> <p>15 A. Yeah.</p> <p>16 Q. -- at the Brooklyn Naval Yard?</p> <p>17 A. Correct.</p> <p>18 Q. Did you have a supervisor or a</p> <p>19 person you reported to?</p> <p>20 A. Yes.</p> <p>21 Q. Do you remember his or her name?</p> <p>22 A. If I heard it I would know it.</p> <p>23 Q. During those eight to nine</p> <p>24 months that you were working in shop</p> <p>25 number 17, what were your day-to-day</p>	<p style="text-align: right;">Page 73</p> <p>1 the sheet metal shop?</p> <p>2 A. Eight to five.</p> <p>3 Q. Eight A.M. to five P.M.?</p> <p>4 A. Yeah. Or nine to five.</p> <p>5 Q. During the eight to nine months</p> <p>6 you worked in sheet metal shop 17 at the</p> <p>7 Brooklyn Naval Shipyard as a sheet metal</p> <p>8 mechanic in approximately 1959, do you</p> <p>9 have any reason to believe you either</p> <p>10 worked directly with or around any</p> <p>11 product or material or type of equipment</p> <p>12 you now believe contained asbestos?</p> <p>13 A. I don't know about that, I don't</p> <p>14 know what type of metals they brought in</p> <p>15 there.</p> <p>16 Q. Did you work directly with any</p> <p>17 type of material that you think may have</p> <p>18 contained asbestos when you were working</p> <p>19 in shop 17?</p> <p>20 A. No, I don't think so. Might</p> <p>21 have been because I had all the things we</p> <p>22 made in there.</p> <p>23 Q. And what sort of things did you</p> <p>24 make?</p> <p>25 A. Made parts for bulkhead walls,</p>

19 (Pages 70 - 73)

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1 put it in. Architects would sketch it  
 2 out and blow it up and we'd build it.  
 3 Q. Do you remember the names of any  
 4 of the parts or materials that you were  
 5 making or fabricating?  
 6 A. Parts were...  
 7 MR. FINLEY: Do you understand his  
 8 question?  
 9 THE WITNESS: No.  
 10 A. You want to know the materials I  
 11 used?  
 12 Q. Yes. Do you know the names of  
 13 any of the parts or materials that you  
 14 were making or fabricating?  
 15 A. Yeah. I used joint compound.  
 16 Q. You used that at the sheet metal  
 17 shop?  
 18 A. Yeah, sometimes.  
 19 Q. Why would you use joint compound  
 20 in the sheet metal shop?  
 21 A. I'm getting confused.  
 22 MR. FINLEY: Take your time, think  
 23 about his question. He's talking about  
 24 your time period in shop 17.  
 25 THE WITNESS: Yeah.

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1 Q. Did you use joint compound in  
 2 shop 17?  
 3 A. That was the sheet metal shop I  
 4 worked in. Yeah, well, I definitely used  
 5 -- I must have used it there.  
 6 Q. Well, you're working as a sheet  
 7 metal mechanic in shop 17 at the Brooklyn  
 8 Naval Shipyard for approximately eight to  
 9 nine months in 1959, correct?  
 10 A. Okay, it's coming back to me.  
 11 When I was to work on the ship --  
 12 Q. I'm not there yet, I'm only  
 13 taking about the eight to nine months you  
 14 were in the sheet metal shop.  
 15 A. I don't know if I physically  
 16 used the joint compound on the ship or in  
 17 the shop, I don't know which.  
 18 Q. As you sit here right now, do  
 19 you have a specific or a present  
 20 recollection of using joint compound when  
 21 you were in shop 17?  
 22 A. On the ship.  
 23 Q. I'm not talking about on the  
 24 ship. While you were in shop 17 during  
 25 that eight to nine --

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1 A. I can't --  
 2 Q. You have to listen to the  
 3 question.  
 4 MR. FINLEY: You have to let him  
 5 finish.  
 6 Q. While you were in shop 17 during  
 7 that eight to nine month period of time,  
 8 do you have a present recollection of  
 9 using joint compound?  
 10 A. I don't know. No, I can't  
 11 really zero in, I can't definitely say.  
 12 Q. What do you recall using in the  
 13 sheet metal shop?  
 14 A. Well, I was using the grinding  
 15 tools and making bulkhead walls.  
 16 Q. So, you used grinding tools to  
 17 make bulkhead walls?  
 18 A. Yeah. And I would chip the slag  
 19 off the wrought iron that was going into  
 20 the bulkhead walls, the slag would be  
 21 burnt.  
 22 Q. Do you have any reason to  
 23 believe that any of the materials or  
 24 products you were using in the sheet  
 25 metal shop contained asbestos?

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1 A. That I don't know, I don't know  
 2 because I had so many materials.  
 3 Q. Do you work around any other  
 4 workers or trades that you think may have  
 5 been using asbestos while you were  
 6 working in sheet metal shop number 17?  
 7 A. Oh, yeah. They could have been  
 8 using, I don't know. There was 20 guys  
 9 in there working.  
 10 Q. And what other types of trades  
 11 or workers were working in the shop with  
 12 you?  
 13 A. They were working -- I don't  
 14 know if they were actually -- they were  
 15 all doing sheet metal work or what, I  
 16 don't know.  
 17 Q. Were there other workers doing  
 18 the same work that you were doing?  
 19 A. Yes, yes, there were.  
 20 Q. Were there any other trades that  
 21 were doing different work than you were  
 22 doing?  
 23 A. No, not --  
 24 Q. Not in the sheet metal shop.  
 25 A. No. You zeroed it down to the

1 sheet metal shop.  
2 Q. So, it was just other workers  
3 doing the same type of work that you were  
4 doing?  
5 A. Yeah.  
6 Q. So, you worked in shop 17 for  
7 about eight to nine months in 1959?  
8 A. Yeah.  
9 Q. Then did you wind up going onto  
10 a ship?  
11 A. Yes.  
12 Q. What ship did you subsequently  
13 work on while you were at the Brooklyn  
14 Naval Yard?  
15 A. I was on the Constellation.  
16 Q. Do you remember when you first  
17 started working on the Constellation?  
18 A. No. I know it was after the  
19 fire.  
20 Q. Do you remember how long you  
21 worked on the Constellation?  
22 A. I would guess about a year.  
23 Q. And you think it was after the  
24 fire because from what I understand about  
25 history, there was a fire at some point

1 on the USS Constellation while the ship  
2 was being constructed, correct?  
3 A. Yes.  
4 Q. And you were there after that?  
5 A. Yes. We still got smoke in  
6 areas, hot spots, we nearly lost the  
7 ship.  
8 Q. What was your title or  
9 classification when you were working on  
10 the Constellation?  
11 A. Sheet metal mechanic.  
12 Q. So, you were still a sheet  
13 metal --  
14 A. Not a helper, I still had a  
15 couple of guys working under me.  
16 Q. So, you were still a sheet metal  
17 mechanic during that one year period of  
18 time you were working on the  
19 Constellation?  
20 A. Yes.  
21 Q. What were your day-to-day duties  
22 and responsibilities as a sheet metal  
23 mechanic during that one year you were  
24 working on board the ship?  
25 A. Well, I used to install -- I

1 used to do a lot of odd jobs. I put in  
2 all the fixtures in the bathrooms, soap  
3 dishes and all of that stuff.  
4 Q. So, installing fixtures in the  
5 bathrooms, --  
6 A. Yeah.  
7 Q. -- soap dishes, anything else?  
8 A. No. Half a dozen things, I just  
9 can't remember them.  
10 MR. FINLEY: Take your time.  
11 Q. You mentioned fixtures in the  
12 bathroom, you mentioned soap dishes,  
13 anything else that you can recall  
14 installing during that year you were on  
15 the Constellation?  
16 A. Just did some welding on there  
17 too.  
18 Q. What type of welding were you  
19 doing?  
20 A. I was welding part of the  
21 bulkhead walls, I even weld -- I was  
22 steel welding, then I did aluminum  
23 welding.  
24 Q. So, aluminum and steel welding?  
25 A. Yeah. That was with an inner

1 cast, the aluminum.  
2 Q. So far I have installing  
3 fixtures in the bathrooms, soap dishes,  
4 welding work on the bulkhead walls and  
5 aluminum and steel welder; is that  
6 correct?  
7 A. Yeah.  
8 Q. Anything else that you did  
9 during that year you were a sheet metal  
10 mechanic?  
11 A. So funny because there's so much  
12 in there, I can't remember that.  
13 Q. Again, it's just what you  
14 presently recall. Is there anything else  
15 you presently recall doing during that  
16 year you were a sheet metal mechanic on  
17 board the Constellation?  
18 A. No.  
19 Q. The Constellation was still  
20 being constructed or built, correct?  
21 A. Yeah. We were cut out and  
22 digging all the bad parts out and then  
23 putting them back.  
24 Q. Earlier you had mentioned joint  
25 compound, did you use joint compound when

<p style="text-align: right;">Page 82</p> <p>1 you were on the Constellation?</p> <p>2 A. Yeah, I must have been using it</p> <p>3 in the rooms, there was a lot involved in</p> <p>4 the rooms.</p> <p>5 Q. When you say the rooms, you're</p> <p>6 talking about different rooms or areas on</p> <p>7 board the Constellation?</p> <p>8 A. On board the Constellation, yes.</p> <p>9 Q. What were you doing in those</p> <p>10 rooms or those areas in the rooms?</p> <p>11 A. Clean them up, putting up the</p> <p>12 walls. After we put up sheetrock in some</p> <p>13 of the rooms.</p> <p>14 Q. You erected sheetrock?</p> <p>15 A. Yeah.</p> <p>16 Q. And is that where you would use</p> <p>17 joint compound?</p> <p>18 A. Yeah.</p> <p>19 Q. During the course of the year</p> <p>20 you worked on the USS Constellation at</p> <p>21 the Brooklyn Naval Shipyard in</p> <p>22 approximately 1960, do you have any</p> <p>23 reason to believe you either worked</p> <p>24 directly with or around any product or</p> <p>25 material or type of equipment that you</p>	<p style="text-align: right;">Page 84</p> <p>1 sheetrock?</p> <p>2 A. Yeah.</p> <p>3 Q. So, you would put up the</p> <p>4 sheetrock on the wall and then you would</p> <p>5 use the joint compound how?</p> <p>6 A. Yes.</p> <p>7 Q. How would you use it?</p> <p>8 A. We would take a 6 inch trowel</p> <p>9 and a smaller trowel to put it on.</p> <p>10 Q. And where would you apply it?</p> <p>11 A. Right on top of the sheetrock</p> <p>12 and then with the tape.</p> <p>13 Q. You would apply it directly onto</p> <p>14 the sheetrock?</p> <p>15 A. The first coat.</p> <p>16 Q. It was directly onto the</p> <p>17 sheetrock?</p> <p>18 A. Yeah.</p> <p>19 Q. How would you erect the</p> <p>20 sheetrock; in other words, how would you</p> <p>21 put up the sheetrock?</p> <p>22 A. I had a couple of helpers there.</p> <p>23 Q. And how would you affix the</p> <p>24 sheetrock?</p> <p>25 A. With rivets.</p>
<p style="text-align: right;">Page 83</p> <p>1 now believe contained asbestos?</p> <p>2 (All defendants object)</p> <p>3 A. Well, I could have been, could</p> <p>4 have been doing that, yeah.</p> <p>5 Q. When you say you could have been</p> <p>6 doing that, what do you mean by that?</p> <p>7 A. Easy enough for me to say it I</p> <p>8 guess that I was using joint compound and</p> <p>9 I know the joint compound that was</p> <p>10 asbestos.</p> <p>11 Q. Did anyone ever tell you the</p> <p>12 joint compound you used while you were</p> <p>13 working as a sheet metal mechanic on</p> <p>14 board the Constellation contained</p> <p>15 asbestos?</p> <p>16 A. I don't think so.</p> <p>17 Q. How did the joint compound come</p> <p>18 packaged?</p> <p>19 A. In metal containers.</p> <p>20 Q. And how would you use the joint</p> <p>21 compound?</p> <p>22 A. Well, put up with the tape and</p> <p>23 that was all.</p> <p>24 Q. Did you use the joint compound</p> <p>25 in connection with erecting or putting up</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. And you would rivet it directly</p> <p>2 to the wall?</p> <p>3 A. Yeah, to the beams.</p> <p>4 Q. To the beams?</p> <p>5 A. The metal beams.</p> <p>6 Q. Do you remember where on the</p> <p>7 Constellation you did this work?</p> <p>8 A. I got lost on the Constellation</p> <p>9 two or three times and only for an hour</p> <p>10 or two.</p> <p>11 Q. Do you remember where on the</p> <p>12 Constellation you erected the sheetrock</p> <p>13 and used the joint compound?</p> <p>14 A. When I -- if I was working</p> <p>15 there, now I can tell you the exact room</p> <p>16 but now I don't know, there's 3,000</p> <p>17 compartments in that.</p> <p>18 Q. So, it was one of the</p> <p>19 compartments below deck?</p> <p>20 A. Yeah, oh, yeah.</p> <p>21 Q. Do you know the brand, trade or</p> <p>22 manufacturer's name of any of the</p> <p>23 sheetrock you erected?</p> <p>24 A. Yeah. Give me a couple of names</p> <p>25 to refresh my memory.</p>

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1 Q. Well, I can't give you any names  
 2 to refresh your recollection. Do you  
 3 know who manufactured any of the  
 4 sheetrock that you erected on the  
 5 Constellation?  
 6 A. Yeah, I heard the names before  
 7 but my short-term memory is very bad.  
 8 But it's very common, USA Gypsum -- they  
 9 were very common, they were so common  
 10 that I wouldn't even remember them.  
 11 Q. You just mentioned the name USA  
 12 Gypsum, do you think that was one of the  
 13 companies that made the sheetrock?  
 14 A. Just can't remember what it was,  
 15 US...  
 16 MR. FINLEY: Take your time.  
 17 A. I know I remember walking out  
 18 the door.  
 19 MR. FINLEY: Take your time,  
 20 Frank.  
 21 A. I don't remember, I just can't  
 22 grasp it. It's very common, it's a  
 23 common name.  
 24 Q. You also mentioned joint  
 25 compound that came in metal containers;

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1 is that correct?  
 2 A. Yes.  
 3 Q. Do you know who made any of the  
 4 joint compound you used while you were  
 5 erecting the sheetrock?  
 6 (All defendants object)  
 7 A. The names of -- I can't remember  
 8 the names, no. US Gypsum -- I don't  
 9 know.  
 10 Q. Did you personally handle or use  
 11 any other product or material or type of  
 12 equipment that you now believe may have  
 13 contained asbestos in connection with the  
 14 period of time you were working as a  
 15 sheet metal mechanic during the  
 16 construction of the USS Constellation at  
 17 the Brooklyn Naval Shipyard in  
 18 approximately 1960?  
 19 A. I helped other guys to rip off  
 20 the insulation that goes around the  
 21 pipes, they were friends of mine in  
 22 there.  
 23 Q. What trade of worker were these  
 24 friends that you helped rip off  
 25 insulation?

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1 A. Plumbers I guess.  
 2 Q. And what were these plumbers  
 3 ripping insulation off of?  
 4 A. The pipes going to...  
 5 Q. This is associated piping?  
 6 A. Yes.  
 7 Q. What were the pipes running to  
 8 or from?  
 9 A. I forget. It was a -- I don't  
 10 know, I guess it was the boiler.  
 11 Q. Where on the Constellation were  
 12 you doing this work?  
 13 A. I worked mostly mid-ship but  
 14 where that was, I don't know.  
 15 Q. How would you and these other  
 16 men rip off this insulation from the  
 17 associated piping?  
 18 A. Whatever tools we had.  
 19 Q. And what tools did you use?  
 20 A. Sheetrock knives, it was all  
 21 cuttable.  
 22 Q. Sheetrock knives because it was  
 23 all cuttable?  
 24 A. Yeah.  
 25 Q. Do you know the brand, trade or

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1 manufacturer's name of any of that  
 2 insulation you and these other men ripped  
 3 off the associated piping?  
 4 A. That's what I can't remember.  
 5 Q. What did the insulation around  
 6 the associated piping look like?  
 7 A. Looked like white pipe, it was  
 8 white and, like, in a cloth. Oh, they  
 9 mixed it with water or something too.  
 10 Q. Now, once it was already on the  
 11 pipe, it was a cloth-like material?  
 12 A. Yeah.  
 13 Q. Was there also a material that  
 14 had to be mixed with water before it was  
 15 applied?  
 16 A. Yes.  
 17 Q. Did you use this material?  
 18 A. Yeah, I helped them with it.  
 19 Q. Did you help them mix it, help  
 20 them apply it or both?  
 21 A. Both, both.  
 22 Q. Do you know the brand, trade or  
 23 manufacturer's name of any of this mixed  
 24 material that you mixed up before you had  
 25 to apply it?

<p style="text-align: right;">Page 90</p> <p>1 A. If I hear it I'll know it but I 2 don't. 3 Q. How would that mixed material be 4 applied? 5 A. By hand. 6 Q. And what would you apply it to? 7 A. The pipes. 8 Q. You applied it directly to the 9 pipes by hand? 10 A. Yeah. And wrapped it, I think 11 there was a cloth that went over it. 12 Q. It was a cloth and then you 13 applied the mixed material on top of the 14 cloth? 15 A. Yeah. It went through the 16 cloth. 17 Q. And you don't know the make or 18 manufacturer of any of that mixed 19 material? 20 A. No, I don't know but I used a 21 spackle on that I think. 22 Q. Do you remember how the mixed 23 material came packaged? 24 A. No. 25 Q. Did you personally handle any</p>	<p style="text-align: right;">Page 92</p> <p>1 think you may have done on the USS 2 Constellation during the year that you 3 worked on it in approximately 1960 that 4 you think may have caused you to come 5 into contact with asbestos? 6 A. Well, asbestos came in sheets, 7 different forms, softer and the sheets 8 and pipe covering. But for instance, 9 when we had a lunch break, I'd take a 10 break and lay down on top of these sheets 11 and that was all -- or sheetrock, I don't 12 know if it was sheetrock or what but I 13 know it was itchy as hell. 14 Q. So, you laid down on top of 15 these sheets during your lunch hour. 16 A. Yeah, on top of the insulation. 17 Q. Was this sheetrock or was this 18 some other type of material? 19 A. I don't think -- no, it wasn't 20 sheetrock, it wasn't hard like sheetrock. 21 It was pliable but it used to itch after 22 a while. 23 Q. How long were these sheets that 24 you would lie down on during your lunch 25 break?</p>
<p style="text-align: right;">Page 91</p> <p>1 other material you think may have 2 contained asbestos in connection with the 3 one year you spent working as a sheet 4 metal mechanic during the initial 5 construction of the Constellation at the 6 Brooklyn Naval Shipyard? 7 A. No, I don't think. 8 Q. Is there any other way you think 9 you may have come into contact with 10 asbestos in connection with your work 11 during the one year you worked as a sheet 12 metal mechanic on the USS Constellation? 13 A. Yeah, I worked on different 14 things on the Constellation. 15 Q. What did you work on? 16 A. I was working on the fixtures 17 for the bathrooms, I did other fixtures 18 in there. They were using me as an 19 oddball guy because I figured out things 20 pretty easily. 21 Q. Do you think any of the work you 22 did putting in fixtures caused you to 23 come into contact with asbestos? 24 A. I don't think so. 25 Q. Is there any other work that you</p>	<p style="text-align: right;">Page 93</p> <p>1 A. Oh, they were different lengths 2 according to the bulkhead. 3 Q. Did you ever install any of 4 these sheets? 5 A. Yeah. 6 Q. You did that work on the 7 Constellation? 8 A. Yeah. 9 Q. How would you go about 10 installing the sheets? 11 A. I don't know if we used rivets 12 there or... 13 Q. You would install this sheetrock 14 with rivets -- 15 A. Yeah. 16 Q. -- into the steel in the 17 compartments? 18 A. Yeah. The beams, the steel 19 beams. 20 Q. Do you recall the make or 21 manufacturer of any of the sheet 22 material? 23 A. The only way I can give you that 24 is if I heard the name, I would tell you 25 yes or no.</p>



<p style="text-align: right;">Page 94</p> <p>1 Q. You also mentioned pipe 2 covering, did you personally install any 3 pipe covering on board the Constellation? 4 A. Yeah. Over the elbow joints. 5 Q. How would you go about 6 installing pipe covering over the elbow 7 joints? 8 A. Mix it up with water. 9 Q. Now, are you talking about pipe 10 covering or you're talking about some 11 other type of material because you just 12 used the phrase mixed it up? 13 A. Yeah. Well, when you're putting 14 the pipe covering on, you got to use a 15 straight length over the pipe, then when 16 you got to elbows, you couldn't use a 17 straight length, you put the elbows on 18 and mix the other stuff and work it into 19 that. 20 Q. You mixed up other stuff that 21 you're talking about, that's not pipe 22 covering, is it, that's a mixed material, 23 right? 24 A. Yeah, that. But the straight 25 stuff was pipe covering.</p>	<p style="text-align: right;">Page 96</p> <p>1 think you worked on that you believe 2 contained asbestos that you haven't 3 already told me about on the 4 Constellation? 5 A. No, I don't think. 6 Q. Did you work on any other 7 vessels while you were at the Brooklyn 8 Naval Shipyard? 9 A. Yeah, I worked on them, before 10 the Constellation I worked on destroyers. 11 We were changing the top of it, 12 everything above the upper deck and there 13 we put up bulkheads and everything. 14 Q. And this was before the 15 Constellation? 16 A. No, I think it was before but 17 they switched me off and on that. 18 Q. So, at the same time you were 19 working on the Constellation, you were 20 also working on some unidentified ships 21 including destroyers, correct? 22 A. Yes. 23 Q. Do you remember the names of any 24 of the destroyers? 25 A. No.</p>
<p style="text-align: right;">Page 95</p> <p>1 Q. I understand that. You 2 mentioned you used the straight stuff and 3 then on the elbows you used another type 4 of material that you had to mix up; is 5 that correct? 6 A. I'm sure it was some sort of 7 companion. 8 Q. Do you know who manufactured any 9 of the pipe covering material? 10 A. No. 11 Q. Do you know who manufactured any 12 of the mixed material that you used on 13 the elbows? 14 A. No, I can't remember the names. 15 Q. Is there any other aspect of 16 your work as a sheet metal mechanic 17 during the one year you worked on the 18 Constellation at the Brooklyn Naval 19 Shipyard in approximately 1960, that you 20 think may have caused you to come into 21 contact with asbestos? 22 A. I guess so. We were working on 23 so many different things, there might 24 have been something in there. 25 Q. Is there anything else that you</p>	<p style="text-align: right;">Page 97</p> <p>1 Q. Were you a sheet metal mechanic 2 on these destroyers? 3 A. I did sheet metal work on them. 4 Q. What were your day-to-day duties 5 and responsibilities as a sheet metal 6 mechanic on these other unidentified 7 ships at the Brooklyn Naval Shipyard? 8 A. Well, a lot of times they put 9 in, like, a 4 inch piece of combing on 10 deck, they weld it, the welders would. 11 And we as sheet metal workers would take 12 this aluminum bulkhead or whatever, the 13 wall made prefab and we rivet it to the 14 combing on the deck. They would put 15 rubber in between there, the steel and 16 aluminum so because it was a chemical 17 reaction, put the rubber on there and it 18 rotted away. 19 Q. How long would you spend on 20 these individual ships, these other 21 vessels, the destroyers? 22 A. Oh, they were like fill in, you 23 know, a day or two days. 24 Q. So, a day here and a day there? 25 A. Yeah. And basically had to go</p>

<p style="text-align: right;">Page 98</p> <p>1 back to the big ships.</p> <p>2 Q. Do you remember the names of any</p> <p>3 of the unidentified destroyers or other</p> <p>4 smaller ships that you worked on during</p> <p>5 that period of time?</p> <p>6 A. No.</p> <p>7 Q. When you were working on these</p> <p>8 other vessels, not the Constellation but</p> <p>9 these other smaller ships including the</p> <p>10 destroyers, do you have any reason to</p> <p>11 believe you either worked directly with</p> <p>12 or around any product or material or type</p> <p>13 of equipment that you now believe</p> <p>14 contained asbestos?</p> <p>15 A. I guess so because there's so</p> <p>16 much of it around.</p> <p>17 Q. Did you personally handle any</p> <p>18 product or material or type of equipment</p> <p>19 that you now believe contained asbestos</p> <p>20 in connection with your work on these</p> <p>21 other unidentified ships?</p> <p>22 A. That could be too.</p> <p>23 Q. What did you personally handle</p> <p>24 that you think may have contained</p> <p>25 asbestos?</p>	<p style="text-align: right;">Page 100</p> <p>1 solid material?</p> <p>2 A. Yeah, the straight sections</p> <p>3 were.</p> <p>4 Q. The straight section and was</p> <p>5 some of it also a mixed material that you</p> <p>6 had to mix up with water?</p> <p>7 A. Yeah, for the elbows, yeah.</p> <p>8 Q. Do you know the make or</p> <p>9 manufacturer of the solid material?</p> <p>10 A. No.</p> <p>11 Q. Do you know the make or</p> <p>12 manufacturer of the mixed material?</p> <p>13 A. No. But I remember using it so</p> <p>14 often that I paid very little attention.</p> <p>15 Q. You mentioned the pipe covering</p> <p>16 material which you called solid material</p> <p>17 as well as the mixed material that you</p> <p>18 used on the elbows.</p> <p>19 A. Yeah.</p> <p>20 Q. Did you personally handle any</p> <p>21 other material that you think may have</p> <p>22 contained asbestos in connection with</p> <p>23 your work on these various unidentified</p> <p>24 ships at the Brooklyn Navy Yard in</p> <p>25 approximately 1960?</p>
<p style="text-align: right;">Page 99</p> <p>1 A. The -- what are you looking for,</p> <p>2 the name of an item?</p> <p>3 Q. Yes. In other words, what type</p> <p>4 of product or material did you personally</p> <p>5 handle that you think may have contained</p> <p>6 asbestos?</p> <p>7 A. The coverings and stuff that I</p> <p>8 did.</p> <p>9 Q. And once again, is this like a</p> <p>10 pipe covering?</p> <p>11 A. Yeah.</p> <p>12 Q. What did the pipe covering look</p> <p>13 like?</p> <p>14 A. Back to that white plastic or</p> <p>15 whatever.</p> <p>16 Q. And how would you use this pipe</p> <p>17 covering?</p> <p>18 A. Same thing, put it on and then</p> <p>19 put the cloth, put another layer on top</p> <p>20 of it.</p> <p>21 Q. And you would use this pipe</p> <p>22 covering around the associated piping?</p> <p>23 A. Yes. The ones with the elbows</p> <p>24 and stuff that were not straight.</p> <p>25 Q. And some of this material was a</p>	<p style="text-align: right;">Page 101</p> <p>1 A. I don't think I can remember</p> <p>2 any.</p> <p>3 Q. Is there any other way that you</p> <p>4 think you may have come into contact with</p> <p>5 asbestos during this period of time that</p> <p>6 you were working on these unidentified</p> <p>7 ships?</p> <p>8 A. Right now I can't think of any.</p> <p>9 Q. Did you also work for a period</p> <p>10 of time on a vessel called the</p> <p>11 Constitution?</p> <p>12 (All defendants object to form)</p> <p>13 A. I believe so.</p> <p>14 Q. Do you know whether you worked</p> <p>15 on the Constitution or are you -- I don't</p> <p>16 want you to guess. The reason I'm asking</p> <p>17 you is because in that document your</p> <p>18 attorney provided to us in anticipation</p> <p>19 of this deposition, there's reference to</p> <p>20 working on the Constellation and a vessel</p> <p>21 called the Constitution. As you sit here</p> <p>22 right now, do you recall working on the</p> <p>23 Constitution?</p> <p>24 A. I know I worked on two ships and</p> <p>25 that's familiar, the name but I'm not, I</p>

1 can't represent.  
 2 Q. If you're not certain, just tell  
 3 me you're not certain.  
 4 A. I don't want to avoid it, it  
 5 could be.  
 6 Q. I understand it could be, a lot  
 7 of things could be. As you sit here  
 8 right now, do you have a present  
 9 recollection --  
 10 A. No.  
 11 Q. -- of working on the  
 12 Constitution?  
 13 A. No, no.  
 14 Q. Other than working in sheet  
 15 metal shop number 17, working on the USS  
 16 Constellation and working on those other  
 17 unidentified ships at the navy yard, is  
 18 there anywhere else you can presently  
 19 recall working at the Brooklyn Navy Yard?  
 20 A. No, I can't.  
 21 Q. Have you then told me about all  
 22 the different work that you did at the  
 23 Brooklyn Naval Yard prior to going into  
 24 the service?  
 25 A. Have I got any --

1 Q. Have you told me about all the  
 2 different work you did at the Brooklyn  
 3 Naval Yard prior to joining the service?  
 4 A. Yes, as far as I can remember.  
 5 Q. And have you told me about all  
 6 the different ways you think you may have  
 7 come into contact with asbestos during  
 8 that period of time you worked at the  
 9 Brooklyn Naval Yard?  
 10 A. I believe so.  
 11 MR. WARSHAUER: Do you want to  
 12 break now?  
 13 MR. FINLEY: Yes.  
 14 Q. All right, sir, it's about 12:25  
 15 right now, I think what we're going to do  
 16 is we're going to a break, allow you to  
 17 get something to eat and then we're going  
 18 to come back and then I'm going to talk  
 19 about the period of time you were in the  
 20 service, okay?  
 21 A. Okay, fine.  
 22 (Whereupon, at 12:24 P.M., a lunch  
 23 recess was taken)  
 24 (Back on the record at 1:46 P.M.)  
 25 Q. Sir, we're back on the record

1 after a break for lunch, are you able to  
 2 continue with your testimony?  
 3 A. Yes.  
 4 Q. One follow-up question that I  
 5 neglected to ask you in connection with  
 6 your tenure on board the Constellation  
 7 when you were working at the Brooklyn  
 8 Naval Shipyard, you had mentioned  
 9 associated piping running to and from a  
 10 boiler. Do you know the make or  
 11 manufacturer of the boiler on board the  
 12 Constellation?  
 13 A. No.  
 14 Q. I want to now talk to you about  
 15 the period of time you were in the  
 16 service. There's been a little bit of  
 17 confusion as to your dates as to when you  
 18 were in the service. Do you know the  
 19 actual time you spent in the service as  
 20 far as the period of years are concerned?  
 21 THE WITNESS: Why am I so hoarse?  
 22 MR. FINLEY: You want me to get  
 23 you some water?  
 24 THE WITNESS: No, I'm okay.  
 25 MR. FINLEY: You sure?

1 THE WITNESS: I'm drinking enough  
 2 water but when I start to talk, it don't  
 3 come out.  
 4 MR. FINLEY: It's okay.  
 5 A. My time in the service?  
 6 Q. Yes.  
 7 A. I don't know.  
 8 Q. According to the document  
 9 provided to us by your attorney in  
 10 anticipation for this deposition, you  
 11 served in the air force from  
 12 approximately 1959 to 1962; does that  
 13 sound right?  
 14 A. Yeah. Because I took a three  
 15 month early out discharge.  
 16 Q. Were you in the air force after  
 17 you worked at the navy yard?  
 18 A. No, I don't think so.  
 19 Q. It was before or after?  
 20 A. I'm totally confused with this.  
 21 MR. FINLEY: Take your time and  
 22 think about it.  
 23 Q. Take your time and think about  
 24 it. We talked about working for United  
 25 Vari at three different locations, on

<p style="text-align: right;">Page 106</p> <p>1 Union Street and Seventh Avenue, in 2 Freeport and at a location on 9th Street 3 and Fifth Avenue in Brooklyn. 4 A. That was the first one. 5 Q. Right, that was the first one. 6 Were all those three locations prior to 7 you entering the service? 8 A. Yes. 9 Q. You told me then after you left 10 United Vari, you went to the Brooklyn 11 Navy Yard and you worked at sheet metal 12 shop number 17. 13 A. Yeah. 14 Q. Was that before or after you 15 were in the service? 16 A. Wait a minute. 17 Q. We've established that United 18 Vari was before you went into the 19 military. When you went to sheet metal 20 shop number 17 at the Brooklyn Naval 21 Shipyard, was that before or after your 22 military service? 23 A. Had to be before because I went 24 into the, I went into the... 25 Q. That's fine. Again, we can get</p>	<p style="text-align: right;">Page 108</p> <p>1 A. The air force. 2 Q. How long were you in the 3 service? 4 A. Four years short three months. 5 Q. And according to the records 6 we've been provided, you were in the 7 service from around 1959 to 1962; that 8 sounds about right? 9 A. Yeah, yes. 10 Q. Did you enlist or were you 11 drafted? 12 A. I enlisted. 13 Q. Did you undergo basic training 14 in the air force? 15 A. Yes. 16 Q. Where was basic training? 17 A. Sampson Air Force Base. 18 Q. And where is Sampson Air Force 19 Base? 20 A. Upstate New York. 21 Q. How long was basic training? 22 A. Four months I think, three or 23 four months. 24 Q. Do you remember whether the 25 weather was warm or cold?</p>
<p style="text-align: right;">Page 107</p> <p>1 the records as far as your actual dates, 2 I just want what your memory is. 3 MR. FINLEY: To the best of your 4 recollection. 5 Q. So, as far as you're concerned, 6 you worked at sheet metal shop number 17 7 before you went into the service? 8 A. Yeah. 9 Q. Did you also work on board the 10 Constellation before you went in the 11 service? 12 A. Yes. 13 Q. And did you also work on board 14 those various unidentified ships, those 15 destroyers before you went into the 16 service? 17 A. Yeah. 18 Q. And again, if your military 19 records show something else, they show 20 something else. I just want to know what 21 the best of your recollection is as you 22 sit here right now. 23 A. Oh. 24 Q. What branch of the service were 25 you in?</p>	<p style="text-align: right;">Page 109</p> <p>1 A. No, it was cold. 2 Q. So, it was sometime in the 3 winter? 4 A. Yeah, January. 5 Q. So, January of '59? 6 A. Yeah. 7 Q. Till about April of '59; does 8 that sound about right? 9 A. Yeah. 10 MR. FINLEY: Just what you can 11 remember. 12 Q. What were your duties or 13 responsibilities when you were in basic 14 training at Sampson Air Force Base; in 15 other words, what did you learn? 16 A. How to march and telling you how 17 to do basic training. 18 Q. Where did you sleep? 19 A. The barracks. 20 Q. Do you have any reason to 21 believe you would have come into contact 22 with any product or material or type of 23 equipment you now believe contained 24 asbestos in connection with the three to 25 four months you were at basic training at</p>

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<p style="text-align: right;">Page 110</p> <p>1 Sampson Air Force Base?</p> <p>2 A. No, I don't think so.</p> <p>3 Q. Did you notice the presence of</p> <p>4 any insulated or overhead piping within</p> <p>5 the confines of the barracks at Sampson?</p> <p>6 A. No.</p> <p>7 Q. So, you go through basic</p> <p>8 training three or four months, correct?</p> <p>9 A. Right.</p> <p>10 Q. Where do you go after basic</p> <p>11 training?</p> <p>12 A. You get assigned to a base.</p> <p>13 Q. And what base were you assigned</p> <p>14 to?</p> <p>15 A. Langley, Langley Air Force Base,</p> <p>16 Virginia.</p> <p>17 Q. Do you remember what month it</p> <p>18 was you arrived at Langley Air Force Base</p> <p>19 in Virginia?</p> <p>20 A. No.</p> <p>21 Q. Sometime in the spring of '59?</p> <p>22 A. I guess so.</p> <p>23 Q. How long were you at Langley Air</p> <p>24 Force Base?</p> <p>25 A. A year.</p>	<p style="text-align: right;">Page 112</p> <p>1 A. Well, I would be on town patrol</p> <p>2 or policing the flight line with all the</p> <p>3 planes on it.</p> <p>4 Q. You policed the areas where the</p> <p>5 planes were located?</p> <p>6 A. Yeah, yeah.</p> <p>7 Q. Make sure nobody had</p> <p>8 unauthorized access?</p> <p>9 A. Right. We had dogs and</p> <p>10 everything.</p> <p>11 Q. Did you have any other duties or</p> <p>12 responsibilities during the year you were</p> <p>13 stationed at Langley?</p> <p>14 A. No, not that I know of.</p> <p>15 Q. Do you have any reason to</p> <p>16 believe you would have come into contact</p> <p>17 with any product or material or type of</p> <p>18 equipment you now believe contained</p> <p>19 asbestos in connection with the year you</p> <p>20 spent as an airman third, second and</p> <p>21 first at Langley Air Force Base in</p> <p>22 Virginia?</p> <p>23 A. No.</p> <p>24 Q. Where did you sleep at Langley?</p> <p>25 A. In the barracks.</p>
<p style="text-align: right;">Page 111</p> <p>1 Q. So, from approximately 1959 to</p> <p>2 1960, somewhere around that time; --</p> <p>3 A. Yeah.</p> <p>4 Q. -- is that correct?</p> <p>5 A. Correct.</p> <p>6 Q. What was your rank?</p> <p>7 A. Well, when we were in there at</p> <p>8 that time I had one stripe, when I left I</p> <p>9 had three.</p> <p>10 Q. So, what does the one stripe</p> <p>11 designate, what was your classification?</p> <p>12 A. Airman third.</p> <p>13 Q. And by the time you left you</p> <p>14 were an airman first?</p> <p>15 A. First, right.</p> <p>16 Q. Were the duties of an airman</p> <p>17 third and an airman second and an airman</p> <p>18 first relatively the same?</p> <p>19 A. Yeah, they were pretty much the</p> <p>20 same.</p> <p>21 Q. What were your duties as an</p> <p>22 airman at Langley Air Force Base?</p> <p>23 A. I was an air policeman.</p> <p>24 Q. And what did the duties of an</p> <p>25 air policeman entail?</p>	<p style="text-align: right;">Page 113</p> <p>1 Q. Did you notice the presence of</p> <p>2 any insulated or overhead piping within</p> <p>3 the confines of Langley?</p> <p>4 A. No.</p> <p>5 Q. Where did you go from Langley?</p> <p>6 A. Germany.</p> <p>7 Q. Did you go to a base in Germany?</p> <p>8 A. Yeah.</p> <p>9 Q. What was the name of the base?</p> <p>10 A. Kaiserslautern but that was the</p> <p>11 town, near Kaiserslautern, the town.</p> <p>12 Q. It's Kaiserslautern?</p> <p>13 A. Kaiserslautern, yeah;</p> <p>14 K-A-I-S-C-R-S-L-A-U-T-E-R [sic], crazy</p> <p>15 name.</p> <p>16 Q. What major city in Germany was</p> <p>17 the base near?</p> <p>18 A. The major city was Cologne.</p> <p>19 Q. It was near Cologne. How long</p> <p>20 were you stationed at the base near</p> <p>21 Cologne in Germany?</p> <p>22 A. About a year, about a year.</p> <p>23 Q. So, 1960 to 1961, somewhere</p> <p>24 around there?</p> <p>25 A. Yeah.</p>

29 (Pages 110 - 113)

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1 Q. What was your rank at the base?  
 2 A. Probably at that time airman  
 3 second.  
 4 Q. You were an airman second?  
 5 A. Yeah.  
 6 Q. Because you told me when you  
 7 left Langley you thought you were an  
 8 airman first.  
 9 A. Oh, no, when I left the air  
 10 force I was an airman first.  
 11 Q. So, the whole time you were at  
 12 Langley you were an airman third?  
 13 A. Airman third and second.  
 14 Q. So, when you left you were a  
 15 second?  
 16 A. Yeah.  
 17 Q. And when you left the base near  
 18 Cologne in Germany you were an airman  
 19 second?  
 20 A. Yes.  
 21 Q. What were your day-to-day duties  
 22 and responsibilities at the air base near  
 23 Cologne in Germany?  
 24 A. Well, police duty.  
 25 Q. You were still an air policeman?

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1 A. Yeah. I would go on town patrol  
 2 at night and get a vehicle and then go on  
 3 police duty.  
 4 Q. What did town patrol consist of?  
 5 A. That was going and checking on  
 6 the guys who were in town with civilian  
 7 clothes on.  
 8 Q. So, you would go into town to  
 9 make sure the guys who left the base and  
 10 went into town didn't get into any  
 11 trouble?  
 12 A. Right. Drinking and everything.  
 13 Q. Did you have any other duties  
 14 during the year you were stationed at the  
 15 air base near Cologne in Germany?  
 16 A. No.  
 17 Q. Do you have any reason to  
 18 believe you would have come into contact  
 19 with any product or material or type of  
 20 equipment you now believe contained  
 21 asbestos in connection with the year you  
 22 spent as an airman second near the base  
 23 in Cologne -- at the base near Cologne in  
 24 Germany?  
 25 A. Near the base those years, okay.

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1 Q. Any reason to believe you would  
 2 have come into contact with asbestos in  
 3 connection with the year you spent at the  
 4 air base near Cologne in Germany?  
 5 A. No, no.  
 6 Q. Where did you sleep?  
 7 A. The barracks.  
 8 Q. Did you notice the presence of  
 9 any insulated or overhead piping within  
 10 the confines of the barracks at the base  
 11 near Cologne in Germany?  
 12 A. No.  
 13 Q. Where did you go from the air  
 14 base near Cologne; in other words, where  
 15 was the next place you served?  
 16 A. I'm trying to think of that.  
 17 Q. Sure.  
 18 A. Drawing a blank.  
 19 Q. Well, I understand it was a long  
 20 time ago.  
 21 MR. FINLEY: Take your time.  
 22 Q. Over 50 years ago. You told me  
 23 so far you did basic training at Sampson  
 24 for about three to four months, then you  
 25 went to Langley for about a year where

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1 you were an airman third. Next you went  
 2 to the base near Cologne in Germany for  
 3 about a year where you were an airman  
 4 second.  
 5 A. Yeah.  
 6 Q. Do you remember where you were  
 7 when you left the base near Cologne in  
 8 Germany and you went on to your next  
 9 assignment?  
 10 A. I went to Bitburg.  
 11 Q. Bitburg, Germany?  
 12 A. Yeah. A little south of  
 13 Cologne.  
 14 Q. And that was an air base?  
 15 A. Yeah.  
 16 Q. How long were you stationed at  
 17 the air base near Bitburg, Germany?  
 18 A. I think about two years.  
 19 Q. That was the rest of your  
 20 service in the military?  
 21 A. That was it, yeah.  
 22 Q. Were you an airman first at the  
 23 base near Bitburg, Germany?  
 24 A. Yes. By that time I was working  
 25 in the office.

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1 Q. What were your day-to-day duties  
2 and responsibilities at the air base near  
3 or in Bitburg, Germany?  
4 A. Basically I was running, running  
5 the office, I had three guys working for  
6 me.  
7 Q. And what type of office was  
8 this?  
9 A. The office to run all the air  
10 police.  
11 Q. So, you ran the office that ran  
12 the air police?  
13 A. Yeah.  
14 Q. And what sort of things did you  
15 do?  
16 A. Well, they found out I could  
17 type on a manual typewriter.  
18 Q. You typed up reports?  
19 A. Type up reports, what?  
20 Q. Did you type up reports?  
21 A. Oh, yeah.  
22 Q. What else did you do?  
23 A. I wrote letters for generals. I  
24 lived with a Thesaurus.  
25 Q. So, you wrote letters for

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1 generals?  
2 A. Yeah. Majors.  
3 Q. Right. People higher ranked  
4 than you.  
5 A. They used all big words, that's  
6 why I used a Thesaurus.  
7 Q. Anything else, any other  
8 day-to-day duties and responsibilities at  
9 the base in Bitburg?  
10 A. No, not really.  
11 Q. During the approximately one  
12 year you spent serving as an airman first  
13 at the air base at or near Bitburg,  
14 Germany, do you have any reason to  
15 believe you would have come into contact  
16 with any product or material or type of  
17 equipment that you now believe contained  
18 asbestos?  
19 A. No.  
20 Q. Where did you sleep at the base  
21 in Bitburg?  
22 A. In the barracks.  
23 Q. Do you recall the presence of  
24 any insulated or overhead piping within  
25 the confines of the barracks at Bitburg?

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1 A. No. I keep saying no to those.  
2 Q. That's fine. Again, if it's a  
3 no, it's a no, I have to ask you the  
4 questions.  
5 A. But I was just thinking it  
6 probably could have been but I never  
7 really --  
8 Q. You never noticed it?  
9 A. I never noticed it.  
10 Q. So, if there was any insulated  
11 or overhead piping within the confines of  
12 the barracks, you never had any  
13 responsibility for performing any  
14 maintenance or repair work on any of that  
15 piping?  
16 A. No.  
17 Q. And you never saw others do any  
18 maintenance or repair work on the piping?  
19 A. Well, I saw others doing repair  
20 work on the piping when I was working  
21 there.  
22 Q. I'm only talking about when you  
23 were in the air force, do you ever --  
24 A. Yes, in the air force.  
25 Q. Where do you recall seeing

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1 workers doing maintenance or repair work  
2 on piping?  
3 A. Oh, let's see what -- now I do  
4 -- I just drew another blank.  
5 Q. Do you remember where you saw  
6 that work?  
7 A. No. My mind is going.  
8 MR. FINLEY: Take your time, take  
9 a second.  
10 Q. Do you recall seeing any of that  
11 work taking place at the base near  
12 Bitburg?  
13 A. Bitburg was, Bitburg was my  
14 second base.  
15 Q. Well, you told me I think  
16 Bitburg was the last base you served at,  
17 right?  
18 A. Yeah.  
19 Q. Do you recall any workers doing  
20 any maintenance or repair work on any  
21 piping at Bitburg? And if you don't  
22 remember, that's fine, I just want to  
23 know what you know.  
24 A. I can't think of that.  
25 Q. Do you recall any workers doing

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<p style="text-align: right;">Page 122</p> <p>1 any maintenance or repair work on any  2 piping at the base near Cologne, Germany?  3 A. No. It's a little confusion  4 here between Bitburg and, Bitburg and --  5 first of all, the first place I went to  6 was Simbach.  7 Q. You haven't mentioned Simbach.  8 A. I know but that came to me, I'm  9 sorry.  10 Q. Simbach was before Cologne?  11 A. Simbach was near the town of  12 Kaiserslautern, it's only a small town.  13 Q. Was that the base near Cologne,  14 was it called Simbach?  15 A. Yeah. Some people tied it to  16 Cologne because Cologne was nothing, it  17 was a little, tiny town.  18 Q. We talked about that base, you  19 think now it was called Simbach?  20 A. It's a small town, Simbach.  21 Q. So, it was a base near Simbach,  22 Germany?  23 A. Yeah.  24 Q. And that was the base near  25 Cologne that you talked about?</p>	<p style="text-align: right;">Page 124</p> <p>1 were in the air force?  2 A. Yeah, I hurt my back.  3 Q. How did you hurt your back?  4 A. I don't know, I think it was  5 congenital.  6 Q. Did you miss any time?  7 A. Yeah. They tried to get me out  8 of bed one day and I refused and they  9 were going to court martial me, I said do  10 what you got to do, I can't get out of  11 bed.  12 Q. How much time did you miss?  13 A. I didn't miss any time, I just  14 laid in bed and rested for a few days.  15 Q. And then it was better?  16 A. Yeah. But it came back many  17 times after.  18 Q. Any other injury other than the  19 back injury?  20 A. No.  21 Q. You were an airman first for  22 your last rank?  23 A. Yes.  24 Q. You took a plane back to the  25 States after you were discharged?</p>
<p style="text-align: right;">Page 123</p> <p>1 A. Yeah, right.  2 Q. And after that you went to the  3 base in Bitburg?  4 A. Right.  5 Q. And do you recall workers doing  6 any maintenance or repair work on any  7 insulated or overhead piping at either  8 base in Germany?  9 A. I don't think so.  10 Q. Do you recall workers doing any  11 maintenance or repair work on any  12 insulated or overhead piping at either  13 Sampson or Langley air base?  14 A. No.  15 Q. The base in Bitburg was your  16 last assignment in the air force,  17 correct?  18 A. Yeah.  19 Q. Were you honorably discharged  20 from the air force?  21 A. Yes.  22 Q. Did you ever receive any medals  23 or citations?  24 A. No.  25 Q. Were you ever injured while you</p>	<p style="text-align: right;">Page 125</p> <p>1 A. Yes.  2 Q. After you came back to the  3 States following your discharge from the  4 US Air force, I take it you sought out  5 employment, correct?  6 A. Yes.  7 Q. Where was the first place you  8 were employed following your discharge  9 from the air force?  10 A. I think it was United  11 Vari-Crafts, I went back to that.  12 Q. You went back to?  13 A. United Vari-Crafts.  14 Q. You went back to United  15 Vari-Crafts, for how long a period of  16 time did you go back to United Vari?  17 A. I don't know.  18 Q. Which United Vari location did  19 you go back to?  20 A. The last one I gave you.  21 Q. Freeport?  22 A. Yeah, yeah.  23 Q. Was that for less than a year?  24 A. I guess so.  25 Q. Just a few months?</p>

32 (Pages 122 - 125)



<p style="text-align: right;">Page 126</p> <p>1 A. Yeah -- no, about a year.</p> <p>2 Q. About a year?</p> <p>3 A. Yeah.</p> <p>4 Q. Were you still a sheet metal</p> <p>5 worker?</p> <p>6 A. Yeah.</p> <p>7 Q. Sheet metal mechanic?</p> <p>8 A. Yeah. Well, they called me --</p> <p>9 any other place it would be a sheet metal</p> <p>10 worker or a tin knocker. They only</p> <p>11 called me a mechanic when I went to the</p> <p>12 navy yard.</p> <p>13 Q. They called you a sheet metal</p> <p>14 mechanic at United Vari?</p> <p>15 A. No, not really. They just</p> <p>16 called me a sheet metal worker.</p> <p>17 Q. And what were your duties as a</p> <p>18 sheet metal worker at the second stint at</p> <p>19 the Freeport location of United Vari?</p> <p>20 A. Cutting out, still the same</p> <p>21 thing, cutting out signs.</p> <p>22 Q. You were making signs?</p> <p>23 A. Yeah.</p> <p>24 Q. Were you still making signs for</p> <p>25 Bulova Watch Company?</p>	<p style="text-align: right;">Page 128</p> <p>1 in my head.</p> <p>2 MR. FINLEY: Take your time.</p> <p>3 Q. On the second occasion that you</p> <p>4 worked at United Vari in Freeport, where</p> <p>5 were you working physically?</p> <p>6 A. Say again.</p> <p>7 Q. You were working in Freeport,</p> <p>8 correct?</p> <p>9 A. Yeah.</p> <p>10 Q. Were you working in a sheet</p> <p>11 metal shop in Freeport?</p> <p>12 A. Yes. That was the United.</p> <p>13 Q. You told me you were no longer</p> <p>14 working in the shop, that's not correct,</p> <p>15 you were still working in the sheet metal</p> <p>16 shop in Freeport, correct?</p> <p>17 A. Yeah. Oh, I meant I was no</p> <p>18 longer working in the shop-shop.</p> <p>19 Q. Well, I don't know what you mean</p> <p>20 by that. When you say you were no longer</p> <p>21 in the shop-shop, what do you mean by</p> <p>22 that?</p> <p>23 A. In the shop-shop, shop 17 in the</p> <p>24 building --</p> <p>25 Q. No, that's shop 17 is when you</p>
<p style="text-align: right;">Page 127</p> <p>1 A. Maybe not Bulova but for other</p> <p>2 companies, you know. We did a lot of</p> <p>3 signs, bank signs.</p> <p>4 Q. Were you still cutting the metal</p> <p>5 with a shear?</p> <p>6 A. No, no. I was out of the shop</p> <p>7 then.</p> <p>8 Q. What were you doing at that</p> <p>9 point?</p> <p>10 A. I was working making signs in</p> <p>11 different letters and stuff.</p> <p>12 Q. Right. But where were you doing</p> <p>13 that work, where at the shop were you</p> <p>14 working?</p> <p>15 A. Oh, at that time I was out of</p> <p>16 the shop.</p> <p>17 Q. Where were you working?</p> <p>18 A. On the ships.</p> <p>19 Q. You were working on ships for</p> <p>20 United Vari?</p> <p>21 (All defendants object to form)</p> <p>22 A. Oh, no, no, no.</p> <p>23 Q. You just told me you were on</p> <p>24 ships, that's not correct?</p> <p>25 A. No, I was in the wrong location</p>	<p style="text-align: right;">Page 129</p> <p>1 were working at the navy yard, now we're</p> <p>2 talking about United Vari.</p> <p>3 A. I wish I was clear as you.</p> <p>4 MR. FINLEY: Do you understand the</p> <p>5 time period he's talking about right</p> <p>6 now?</p> <p>7 Q. You told me after you left the</p> <p>8 air force, you went back to United Vari</p> <p>9 for a brief period of time; is that</p> <p>10 correct?</p> <p>11 A. Yeah.</p> <p>12 Q. And you went back to the</p> <p>13 Freeport location; is that correct?</p> <p>14 A. Yes.</p> <p>15 Q. And you were still working in</p> <p>16 the sheet metal shop, you were</p> <p>17 fabricating metal for signs, correct?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you have any reason to</p> <p>20 believe you would have come into contact</p> <p>21 with any product or material or type of</p> <p>22 equipment you now believe contained</p> <p>23 asbestos during that second occasion you</p> <p>24 were working in the sheet metal shop for</p> <p>25 United Vari in Freeport?</p>

1 A. I don't think so, no.  
2 Q. So, you worked at the Freeport  
3 location of United Vari for around a  
4 year, maybe a little bit less.  
5 A. Yeah.  
6 Q. Where did you go to work from  
7 there; in other words, who was your next  
8 employer?  
9 A. From Freeport?  
10 Q. Yes. From United Vari, the  
11 Freeport location.  
12 A. The fire department.  
13 Q. Any other employment between  
14 United Vari and the fire department?  
15 A. No.  
16 Q. So, around 1962 you go to work  
17 for the fire department for the City of  
18 New York; is that correct?  
19 A. Yeah.  
20 Q. How long were you a member of  
21 the fire department of the City of New  
22 York?  
23 A. Twenty-eight years.  
24 Q. According to the information  
25 we've been provided, you were a member of

1 the fire department for the City of New  
2 York between 1961 and 1962 and  
3 approximately 1989; does that sound about  
4 right?  
5 A. Yeah.  
6 Q. Now, you had to join a union  
7 when you were a member of the fire  
8 department, correct?  
9 A. Yeah.  
10 Q. What union was that?  
11 A. I don't...  
12 Q. Was that the UFA?  
13 A. Yeah. I just couldn't think of  
14 it.  
15 Q. And were you a member of the UFA  
16 or the FDNY for the entire time you were  
17 working for the fire department?  
18 A. Yeah.  
19 Q. Did you ever hold office within  
20 the UFA?  
21 A. No.  
22 Q. I take it the UFA had meetings,  
23 correct?  
24 A. Yeah.  
25 Q. Did you attend the meetings?

1 A. No, I wasn't.  
2 Q. You never went?  
3 A. No.  
4 Q. Did you ever receive  
5 publications from the UFA like a  
6 newspaper or a trade journal?  
7 A. Oh, yeah.  
8 Q. What sort of things were in  
9 those publications?  
10 A. Union news.  
11 Q. Was there ever any articles that  
12 you read regarding the subject of  
13 asbestos; in other words, did you ever  
14 read any articles relating to asbestos in  
15 any of those publications?  
16 A. Not to my knowledge. I was not  
17 an avid reader of the union paper but it  
18 could have been in there.  
19 Q. Now, were you assigned to one  
20 firehouse or more than one firehouse when  
21 you were a fireman?  
22 A. One firehouse.  
23 Q. What firehouse was that?  
24 A. Engine 202.  
25 Q. Where was Engine 202 located?

1 A. Red Hook, Brooklyn.  
2 Q. That's the Red Hook section of  
3 Brooklyn, New York?  
4 A. Yes.  
5 Q. And you were there for 28 years?  
6 A. Yes.  
7 Q. I know this may sound like a  
8 silly question, can you tell me though  
9 what your day-to-day duties and  
10 responsibilities were as a fireman out of  
11 Engine 202 in Red Hook, what did you do?  
12 A. Ran away from the fires.  
13 Q. I doubt that. You fought fires?  
14 A. Oh, yeah.  
15 Q. Did you generally work a day  
16 shift?  
17 A. No. We were --  
18 Q. Or it varied?  
19 A. It varied, two days and two  
20 nights.  
21 Q. Two days and two nights?  
22 A. Nine hour days and fifteen hour  
23 tours at night.  
24 Q. You were generally working in  
25 Brooklyn though, right?

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1 A. Oh, yeah, all the time.  
 2 Q. You never went to any other  
 3 boroughs?  
 4 A. We would relocate for maybe one  
 5 night or a day.  
 6 Q. Primarily in Brooklyn?  
 7 A. Yes.  
 8 Q. During the course of the 28  
 9 years you were a fireman for the FDNY out  
 10 of Engine 202 in the Red Hook section of  
 11 Brooklyn between approximately 1961 and  
 12 1989, do you have any reason to believe  
 13 you either worked directly with or around  
 14 any product or material or piece of  
 15 equipment that you now believe contained  
 16 asbestos?  
 17 A. That's everything. I don't  
 18 think so.  
 19 Q. Did you ever use any protective  
 20 equipment as a fireman that you think may  
 21 have contained asbestos?  
 22 A. Used protective equipment to go  
 23 into fires at the end there.  
 24 Q. I understand that. You had a  
 25 hat, you had a mask at some point I'm

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1 assuming, correct?  
 2 A. Yeah. But the really heavy fire  
 3 we put on a mask, we fought fires with a  
 4 mask.  
 5 Q. Do you know who made any of that  
 6 equipment?  
 7 A. No.  
 8 Q. Did you ever use any other type  
 9 of protective equipment like gloves or a  
 10 jacket or boots, something else?  
 11 A. Yeah. Just a regular standard  
 12 fireman's gear, rubber boots.  
 13 Q. Do you believe any of that  
 14 standard fire gear that you used  
 15 contained asbestos?  
 16 A. No.  
 17 Q. Did anyone ever tell you any of  
 18 that equipment contained asbestos?  
 19 A. Not that I know of, no.  
 20 Q. Now, at the time you were  
 21 working out of Engine 202 as a fireman  
 22 between 1961 and 1989 approximately, were  
 23 you also doing some moonlighting or side  
 24 work?  
 25 A. Yeah.

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1 Q. What were you doing?  
 2 A. House painting.  
 3 Q. What year did you start doing  
 4 that side work?  
 5 A. I did it for probably about the  
 6 last fifteen years of my fire department  
 7 career.  
 8 Q. So, you didn't start doing the  
 9 side work until about the middle portion  
 10 of the 1970s?  
 11 A. Yeah.  
 12 Q. We'll get to that in just a  
 13 minute.  
 14 Prior to doing that side work  
 15 beginning in the middle portion of the  
 16 1970s, did you ever have occasion to work  
 17 anywhere else during the early portion of  
 18 your tenure for the fire department?  
 19 A. No. Just...  
 20 Q. You were just a fireman?  
 21 A. The firehouses.  
 22 Q. So, around 1974 or so, the  
 23 mid-1970s you started to do some house  
 24 painting?  
 25 A. Yeah.

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1 Q. And you did that throughout the  
 2 remainder of your tenure for the fire  
 3 department of the City of New York?  
 4 A. Yeah.  
 5 Q. So, for about fifteen years you  
 6 started doing side work involving  
 7 painting houses?  
 8 A. Yes.  
 9 Q. Where were these houses located?  
 10 A. Around Brooklyn.  
 11 Q. Only in Brooklyn?  
 12 A. No. Manhattan, Queens.  
 13 Q. All five boroughs or just  
 14 Manhattan, Brooklyn and Queens?  
 15 A. Not much Staten Island.  
 16 Q. How about the Bronx?  
 17 A. In the Bronx, no, no.  
 18 Q. So, Manhattan, Brooklyn and  
 19 Queens?  
 20 A. Yeah.  
 21 Q. And this is all private homes?  
 22 A. Yeah.  
 23 Q. Now, you told me earlier that  
 24 you periodically worked with some other  
 25 people, you worked with your daughter,

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1 right?  
 2 A. Oh, yeah.  
 3 Q. Did she start to work with you  
 4 during this period of time --  
 5 A. Yeah.  
 6 Q. -- towards the end?  
 7 A. Yeah.  
 8 Q. Who else did you work with, did  
 9 you work with your son?  
 10 A. Oh, yeah, oh, yeah.  
 11 Q. Anybody else?  
 12 A. Worked with both my sons.  
 13 Q. Right, both of your sons, your  
 14 daughter.  
 15 A. And that's it, yeah.  
 16 Q. Anybody else?  
 17 A. No.  
 18 Q. I think you said briefly your  
 19 nephew?  
 20 A. Oh, yes, I forgot about that,  
 21 yeah.  
 22 Q. Your nephew was Keith McDermott?  
 23 A. Keith McDermott.  
 24 Q. When did you work with him?  
 25 A. Oh, I think I started --

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1 Q. Was it during the '74 to '89  
 2 period?  
 3 A. I don't know, I don't know.  
 4 Q. For how long a period of time  
 5 when you were doing this side work or  
 6 moonlighting work on the residential  
 7 homes did you work with Keith?  
 8 A. Probably ten or fifteen years.  
 9 Q. So, most of the time Keith was  
 10 working with you?  
 11 A. Yeah, well, yeah. A lot of  
 12 times he could only work part-time, half  
 13 a day.  
 14 Q. How did you get your customers?  
 15 A. Word of mouth.  
 16 Q. Any advertising?  
 17 A. No.  
 18 Q. Did your business have a name?  
 19 A. No. Fred Brown Painting.  
 20 Q. It was called Fred Brown  
 21 Painting?  
 22 A. Yeah.  
 23 Q. Was the business incorporated?  
 24 A. No.  
 25 Q. You were the owner?

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1 A. Yeah.  
 2 Q. No partners?  
 3 A. No.  
 4 Q. Do you remember the names of any  
 5 of your customers?  
 6 A. I don't know them really.  
 7 Q. Do you remember the addresses of  
 8 any of the homes you worked at? I know  
 9 you told me they were in Manhattan,  
 10 Brooklyn and Queens but do you remember  
 11 any of the street addresses?  
 12 A. I haven't been at any of those  
 13 homes in the last fifteen or 20 years.  
 14 Q. I understand that. Do you  
 15 recall any of the addresses?  
 16 A. No.  
 17 Q. Do you have any records at home  
 18 regarding the work that you did in any of  
 19 these residential homes in Manhattan,  
 20 Brooklyn or Queens?  
 21 A. No.  
 22 Q. Would anybody you know be in  
 23 possession of any records?  
 24 A. No. I got rid of all that  
 25 stuff.

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1 Q. When did you get rid of the  
 2 records?  
 3 A. I don't know when, I retired.  
 4 Q. You mentioned you did painting  
 5 work at many of these homes; is that  
 6 correct?  
 7 A. Yeah.  
 8 Q. What other type of work if any  
 9 did you do at any of these homes other  
 10 than painting?  
 11 A. Wallpapering.  
 12 Q. Painting, wallpaper, anything  
 13 else?  
 14 A. Paneling.  
 15 Q. Anything else?  
 16 A. I don't know, I can't think of  
 17 any.  
 18 Q. Was it all interior work or did  
 19 you do some exterior work as well?  
 20 A. Interior work.  
 21 Q. All interior, any exterior work?  
 22 (All defendants object)  
 23 A. They were small, I wouldn't do  
 24 big jobs.  
 25 Q. So, it was all interior?

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1 A. Yeah.

2 MR. FINLEY: Is that correct? Did

3 you ever do any exterior work? I just

4 want to make sure you understand the

5 question.

6 (All defendants object, asked and

7 answered)

8 THE WITNESS: What kind of

9 interior work?

10 Q. Sir, we don't know. I just want

11 to know if all the work you did when you

12 were doing this side work at the

13 residential homes in Manhattan, Brooklyn

14 and Queens for Fred Brown Painting was

15 all interior work.

16 (All defendants object)

17 A. Oh, I couldn't say that, all

18 interior work. I might have worked a

19 couple of days outdoors.

20 Q. Well, that's what I want to

21 know. As you sit here right now, did you

22 ever do any work outside that you haven't

23 already told me about?

24 A. I told you I don't remember the

25 houses I did the work. I mean, that's

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1 like 20 years ago, easily 20 years ago.

2 Q. You mentioned painting,

3 wallpaper and paneling work; is that

4 correct?

5 A. Yeah.

6 Q. And you did this work with some

7 of your children and with your nephew,

8 correct?

9 A. Yeah.

10 Q. Do you have any reason to

11 believe that any of the work you did

12 installing paneling in any of these homes

13 caused you to come into contact with

14 asbestos?

15 A. No, I don't think so.

16 Q. Do you have any reason to

17 believe that any of the work you did

18 putting up wallpaper in any of these

19 homes caused you to come into contact

20 with asbestos?

21 A. Could have but I don't think so.

22 Q. Do you have any reason to

23 believe that any of the painting work you

24 did in any of these residential homes in

25 any way caused you to come into contact

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1 with asbestos?

2 A. When I used to rip off the

3 wallpaper or the stuff, it got very dusty

4 in there and I had to clean it up, the

5 walls clear. Sometimes I had to wash

6 them down to get all the old paste off,

7 so that's the only time that anything was

8 messed up.

9 Q. So, there were times when you

10 had to remove or tear down preexisting

11 materials in order to do your own work?

12 A. Oh, yeah.

13 Q. And do you think some of those

14 preexisting materials that you tore down

15 or removed may have contained asbestos?

16 A. It might have but I never

17 thought of it until now until you brought

18 it up.

19 Q. Would you know the make or

20 manufacturer of any of those preexisting

21 materials that you removed from any of

22 those residential home projects in

23 Manhattan, Brooklyn or Queens, New York?

24 A. No.

25 Q. What did you do with the

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1 materials after you tore them down?

2 A. Roll them up, put them in a

3 garbage and threw them out.

4 Q. Put them in a plastic bag and

5 hauled them out to the curb?

6 A. Right.

7 Q. And the garbage men would come

8 and take them away?

9 A. Yeah.

10 Q. Did anyone ever tell you that

11 any of that material that you removed

12 contained asbestos?

13 A. No.

14 Q. Do you have any reason to

15 believe that any of this side work or

16 moonlighting work that you did at these

17 residential home projects in Manhattan,

18 Brooklyn or Queens, New York, for Fred

19 Brown Painting between 1974 and 1989

20 caused you to come into contact with

21 asbestos?

22 A. Not that I can think of.

23 Q. Can you estimate for me how many

24 hours a week during this time period you

25 think you did this side work; in other

1 words, are we talking an hour a week,  
2 five hours a week, ten hours a week,  
3 more, less, what are we talking about?  
4 A. I would say 20 hours a week.  
5 Q. Was this nights and weekends?  
6 A. It was whenever the weather was  
7 good and we could paint.  
8 Q. But your primary job was that of  
9 a fireman, correct?  
10 A. Oh, yeah.  
11 Q. So, when you were doing the side  
12 work, it was when you weren't working as  
13 a fireman, correct?  
14 A. Yeah.  
15 Q. Were you paid cash for these  
16 jobs?  
17 A. Yeah.  
18 Q. Did you pay your kids in cash --  
19 A. Yeah.  
20 Q. -- when they assisted you?  
21 A. Yeah.  
22 Q. And your nephew?  
23 A. Yeah.  
24 Q. You paid him cash?  
25 A. Yeah.

1 Q. Did you ever do any other side  
2 work during the period of time you were  
3 working as a fireman for the FDNY between  
4 1961 and 1989?  
5 A. No.  
6 Q. Other than work that you did for  
7 Fred Brown Painting at these residential  
8 homes in Manhattan, Brooklyn and Queens.  
9 A. Yeah.  
10 Q. No other side work?  
11 A. No.  
12 Q. Were you ever injured on the job  
13 while you were a fireman?  
14 A. No.  
15 Q. You last worked as a fireman in  
16 1989?  
17 A. Yeah.  
18 Q. That's when you retired?  
19 A. Yes.  
20 Q. Why did you decide to retire in  
21 1989?  
22 A. Because taking too much of a  
23 beating in the fires.  
24 Q. But that retirement was  
25 voluntary, correct?

1 A. Yeah.  
2 Q. It wasn't due to any health  
3 related issues?  
4 A. No. I wanted to go for 30 years  
5 but I couldn't make it.  
6 Q. Do you receive a pension from  
7 your time with the FDNY?  
8 A. Yes.  
9 Q. How much is your pension?  
10 A. I don't know, I think 60,000.  
11 Q. 60,000 a year?  
12 A. Yeah.  
13 Q. Do you also receive Social  
14 Security?  
15 A. Yeah.  
16 Q. How much do you receive a month  
17 in Social Security?  
18 A. Oh, you're going to combine  
19 them, I think it comes out to -- what I'd  
20 say, 60,000?  
21 Q. You said about 60,000 a year for  
22 your pension.  
23 A. Oh, not that much. I think  
24 about 60 or 70,000 for both of them.  
25 Q. So, if we combine your pension

1 and your Social Security, it would be  
2 between 60 and 70,000 total?  
3 A. Yes.  
4 Q. Have you worked anywhere since  
5 you retired from the FDNY in 1989?  
6 A. No.  
7 Q. You haven't held any other work,  
8 any other employment?  
9 A. No.  
10 Q. Have we now talked about all the  
11 different places you worked over the  
12 course of your lifetime?  
13 A. I think so. As you can see I  
14 don't remember everything.  
15 Q. And have you told me about all  
16 the different ways you think you may have  
17 come into contact with asbestos in  
18 connection with the different places that  
19 you worked and the different places that  
20 you were physically present when you were  
21 in the military?  
22 A. Yeah. Well, when I was in the  
23 military, that's when I was working on  
24 the ships and stuff.  
25 Q. Now, you didn't tell me that

<p style="text-align: right;">Page 150</p> <p>1 before. When you were in the military</p> <p>2 you said you weren't working on ships,</p> <p>3 you said you were working as an air</p> <p>4 policeman. You weren't working on ships</p> <p>5 when you were in the military, were you?</p> <p>6 A. When was I working on the ships?</p> <p>7 You got me confused.</p> <p>8 Q. Well, I'm not trying to confuse</p> <p>9 you, sir, I'm just trying to go over your</p> <p>10 testimony. When you were in the air</p> <p>11 force you were an air policeman, right?</p> <p>12 A. Yes.</p> <p>13 Q. And you served at different</p> <p>14 bases both in Germany and in the States?</p> <p>15 A. Yes.</p> <p>16 Q. You had basic at Sampson,</p> <p>17 correct? Then you went to Langley Air</p> <p>18 Force Base in Virginia?</p> <p>19 A. Yeah.</p> <p>20 Q. Then you went to the base near</p> <p>21 Cologne in Germany and then you went to</p> <p>22 Bitburg, correct?</p> <p>23 A. Yeah.</p> <p>24 Q. You didn't work on any ships</p> <p>25 when you were in the air force, did you?</p>	<p style="text-align: right;">Page 152</p> <p>1 MR. FINLEY: Good afternoon, this</p> <p>2 is Patrick Finley, plaintiff's counsel.</p> <p>3 It is approximately 2:51. After taking</p> <p>4 a ten minute, fifteen minute break and</p> <p>5 speaking with my client, he is unable to</p> <p>6 continue going today. He's exhausted</p> <p>7 and just doesn't have the stamina to do</p> <p>8 another hour, so we're going to adjourn</p> <p>9 for the day and will be back at 10:00</p> <p>10 A.M. tomorrow. Thank you everybody for</p> <p>11 your patience and consideration given my</p> <p>12 client's health. Thank you.</p> <p>13 (Whereupon, at 2:52 P.M., the</p> <p>14 examination of this witness was</p> <p>15 adjourned)</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
<p style="text-align: right;">Page 151</p> <p>1 A. No. When did I work on the</p> <p>2 ships? I'm trying to figure out when I</p> <p>3 -- I worked on the ships.</p> <p>4 Q. Was that while you were in the</p> <p>5 air force?</p> <p>6 A. No.</p> <p>7 Q. You told me --</p> <p>8 A. Now you got me confused, now I</p> <p>9 want to get it straight in my head.</p> <p>10 Q. You had told me you worked on</p> <p>11 some ships when you were working for the</p> <p>12 U.S. government at the Brooklyn Navy</p> <p>13 Yard.</p> <p>14 A. Yeah.</p> <p>15 Q. Prior to going into the air</p> <p>16 force; is that correct?</p> <p>17 A. At the Brooklyn Navy Yard is</p> <p>18 when I worked on the ships.</p> <p>19 Q. Right. And that was before you</p> <p>20 went into the air force?</p> <p>21 A. Yeah.</p> <p>22 MR. FINLEY: Let's take a break.</p> <p>23 (Whereupon, at 2:29 P.M., a short</p> <p>24 recess was taken)</p> <p>25 (Back on the record at 2:51 P.M.)</p>	<p style="text-align: right;">Page 153</p> <p>1 WITNESS CERTIFICATION</p> <p>2</p> <p>3</p> <p>4 I have read the foregoing transcript of</p> <p>5 my testimony and find it to be true and</p> <p>6 accurate to the best of my knowledge and</p> <p>7 belief.</p> <p>8</p> <p>9</p> <p>10 <u>FREDERICK G. BROWN</u></p> <p>11</p> <p>12</p> <p>13 Subscribed and sworn to</p> <p>14 before me on this</p> <p>15 day of _____ 2017.</p> <p>16</p> <p>17</p> <p>18 Notary Public</p> <p>19</p> <p>20 * * *</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>

# PRIORITY ONE REPORTING (718) 983-1234

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2

3 EXAMINATION BY PAGE LINE

4 Direct Examination 8 16

5 by Mr. Warshauer

6

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1 CERTIFICATION

2

3 I, CHERYL F. SOLOMON, a Stenotype

4 Shorthand Reporter and Notary Public within

5 and for the State of New York, do hereby

6 certify that the within Examination Before

7 Trial of FREDERICK G. BROWN was held before

8 me and I faithfully and impartially recorded

9 stenographically the questions, answers and

10 colloquy.

11 I further certify that after said

12 examination was recorded stenographically by

13 me, it was reduced to typewriting under my

14 supervision, and I hereby submit that the

15 within contents of said examination are true

16 and accurate to the best of my ability.

17 I further certify that I am not a

18 relative of nor an attorney for any of

19 the parties connected with the aforesaid

20 examination, nor otherwise interested in

21 the testimony of the witness.

22

23

24 \_\_\_\_\_

25 CHERYL F. SOLOMON

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1 ERRATA SHEET

2 Priority-One Court Reporting/Veritext

3 718-983-1234

4 ASSIGNMENT NO: P1-2744594

5 CASE NAME: Brown, Frederick v. Ashbrook

6 DATE OF DEPOSITION: 12/19/2017

7 WITNESS NAME: Frederick G Brown

8

PAGE/LINE(S)	CHANGE	REASON
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21 Frederick G Brown

22 (Notary not required in California)

23 SUBSCRIBED AND SWORN TO

24 BEFORE ME THIS \_\_\_\_\_ DAY

25 OF \_\_\_\_\_, 2018

26

27 NOTARY PUBLIC

28 MY COMMISSION EXPIRES \_\_\_\_\_



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1 SUPREME COURT

2 ALL COUNTIES WITHIN THE CITY OF NEW YORK

3  
4 IN RE: NEW YORK CITY ASBESTOS LITIGATION

5  
6  
7  
8 DEPOSITION UNDER ORAL

9 EXAMINATION OF

10 FREDERICK G. BROWN

11 (VOLUME II)

12  
13  
14  
15 This Document Applies To:

16 FREDERICK G. BROWN

17 INDEX NO.: 190195 17

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21  
22 PRIORITY ONE COURT REPORTING SERVICES, INC.

23 290 West Mt. Pleasant Ave, Suite 2260

24 Livingston, New Jersey 07039

25 (718) 983-1234



PRIORITY ONE REPORTING (718) 983-1234

<p>Page 157</p> <p>1 Transcript of the deposition of</p> <p>2 the Plaintiff called for Oral Examination</p> <p>3 in the above-captioned matter, said</p> <p>4 deposition being taken pursuant to</p> <p>5 Federal Rules of Civil Procedure by and</p> <p>6 before CHERYL F. SOLOMON, a Notary Public</p> <p>7 and Shorthand Reporter, at the Hampton</p> <p>8 Inn, One North Avenue, Garden City, New</p> <p>9 York, on Wednesday, December 20, 2017,</p> <p>10 commencing at approximately 10:23 in the</p> <p>11 forenoon.</p> <p>12</p> <p>13 * * *</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 Job No. 2744596</p>	<p>Page 159</p> <p>1 LYNCH, DASKAL &amp; EMERY, LLP</p> <p>2 Attorneys for Defendants</p> <p>3 Goodyear Tire and Goodyear Canada</p> <p>4 137 West 25th Street, 5th Floor</p> <p>5 New York, New York 10001</p> <p>6 BY: ALEXANDRA OBER, ESQ</p> <p>7</p> <p>8 CULLEN &amp; DYKMAN, LLP</p> <p>9 Attorneys for Defendant Goulds</p> <p>10 44 Wall Street</p> <p>11 New York, New York 10005-2407</p> <p>12 BY: JOSEPH ANCIOLILLO, ESQ</p> <p>13</p> <p>14 WILBRAHAM, LAWLER &amp; BUBA, ESQS</p> <p>15 Attorneys for Defendant Air &amp; Liquid</p> <p>16 Systems Corp. and Kamak</p> <p>17 1818 Market Street, Suite 3100</p> <p>18 Philadelphia, Pennsylvania 19103</p> <p>19 BY: NICHOLAS L. ORTIZ, ESQ</p> <p>20</p> <p>21 MARSHALL, DENNELLEY, WARNER, COLEMAN &amp;</p> <p>22 GOGGIN, P.C.</p> <p>23 Attorneys for Defendants Borg Warner</p> <p>24 Morse TEC LLC and Leviton</p> <p>25 Manufacturing Corp</p> <p>105 Marcus Road, Suite 303</p> <p>Mcville, New York 11747</p> <p>BY: ANDREW WARSHAUER, ESQ</p> <p></p> <p>DARGER, ERRANTE, YAVITZ &amp; BLAU, LLP</p> <p>Attorneys for Defendants</p> <p>Amchem, Certain/eed and UCC</p> <p>116 East 27th Street, 12th Floor</p> <p>New York, New York 10016</p> <p>BY: GENEVIEVE MACSTEEL, ESQ</p>
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2 (Pages 157 - 160)

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1 IT IS HEREBY STIPULATED, by and between  
 2 the attorneys for the respective parties  
 3 hereto, that filing, sealing and  
 4 certification of the within Examination  
 5 Before Trial be waived; that all objections,  
 6 except as to form, are reserved to the time  
 7 of trial.  
 8 IT IS FURTHER STIPULATED AND AGREED that  
 9 the transcript may be signed before any  
 10 Notary Public with the same force and effect  
 11 as if signed before a Clerk or Judge of the  
 12 Court.  
 13 IT IS FURTHER STIPULATED AND AGREED that  
 14 all rights provided to all parties by the  
 15 CPLR shall not be deemed waived and the  
 16 appropriate sections of the CPLR shall be  
 17 controlling with respect thereto.  
 18 IT IS FURTHER STIPULATED AND AGREED by  
 19 and between the attorneys for the respective  
 20 parties hereto that a copy of the  
 21 Examination shall be furnished, without  
 22 charge, to the attorney representing the  
 23 witness testifying herein.  
 24  
 25

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1 FREDERICK G. BROWN,  
 2 the Plaintiff herein, having previously  
 3 been duly sworn by the Notary Public, was  
 4 examined and testified as follows:  
 5 MR. WARSHAUER: Any statements for  
 6 the record before we begin?  
 7 (No verbal response given)  
 8 CONTINUED DIRECT EXAMINATION  
 9 BY MR. WARSHAUER:  
 10 Q. Good morning again, Mr. Brown.  
 11 A. Good morning.  
 12 Q. Can you hear me okay?  
 13 A. Sure.  
 14 Q. Once again my name is Andrew  
 15 Warshauer, I'm from the firm of Marshall,  
 16 Dennehey, Warner, Coleman and Goggin, I  
 17 represent a few of the defendants in this  
 18 case. I'm going to continue with my  
 19 questions this morning, when I'm finished  
 20 some of the other attorneys in the room  
 21 are going to have some additional  
 22 questions for you.  
 23 The same ground rules that were  
 24 in effect yesterday are still in effect  
 25 for today.

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1 A. Okay.  
 2 Q. If you don't understand one of  
 3 my questions, please ask me to rephrase  
 4 and I will do so.  
 5 A. Okay.  
 6 Q. If you don't know the answer to  
 7 one of my questions, "I don't know" is a  
 8 perfectly acceptable answer. I don't  
 9 want you to guess as to any answers. If  
 10 you want to give an estimate that's fine  
 11 but guessing is not necessary.  
 12 If you could, please allow me to  
 13 finish my question before you provide an  
 14 answer since the reporter cannot take  
 15 down both of our voices at the same time.  
 16 And I would also ask that you keep your  
 17 answers in verbal form as the reporter  
 18 cannot take down a gesture or a nod or a  
 19 shrug of the shoulders.  
 20 Finally, if you need a break at  
 21 any time during the course of my  
 22 questions, let me know, let Patrick know,  
 23 you can have as many breaks as you may  
 24 need.  
 25 A. Okay.

<p style="text-align: right;">Page 165</p> <p>1 Q. Do you understand these 2 instructions? 3 A. Yes. 4 Q. Are you taking the same 5 medications today that you took 6 yesterday? 7 A. Yes. 8 Q. You took Eliquis, the blood 9 thinner? 10 A. Yes. 11 Q. You took Simvastatin for 12 cholesterol? 13 A. Yes. 14 Q. Did you take any Tylenol? 15 A. Yes. 16 Q. Anything else? 17 A. I took a Xanax. 18 Q. You took a Xanax also? 19 A. Yes. I got too confused 20 yesterday at the end and I'm never 21 confused. 22 MR. FINLEY: That's okay. 23 Q. You didn't mention Xanax as one 24 of the medications that you take. 25 A. No, because that's the first</p>	<p style="text-align: right;">Page 167</p> <p>1 A. I believe it was a surgeon, I 2 think he did my carotid arteries, I'm not 3 sure. I got four surgeries in a six 4 month period. 5 Q. It wasn't Dr. Jagger, Samantha 6 Jagger? 7 A. No. That's my blood doctor. 8 Q. Was it Dr. Gwertzman? 9 A. Yeah. 10 Q. Gary Gwertzman? 11 A. Yeah, that was it. I only have 12 half a memory. 13 Q. There's a "W" in there. 14 How long have you been seeing 15 Dr. Gwertzman? 16 A. Oh, he did -- well, he did my 17 carotid arteries, I went out there once, 18 twice maybe and that's it. 19 Q. We'll talk more about your 20 medical history in a little while. 21 A. Okay. 22 Q. Did you have an opportunity to 23 review your testimony from yesterday? 24 A. No. 25 Q. You didn't review the deposition</p>
<p style="text-align: right;">Page 166</p> <p>1 time I took it in six or eight months, I 2 don't know. 3 Q. So, you have it ready but you 4 don't normally take it? 5 A. Yeah. I have it already for a 6 year already if I want. 7 Q. And why did you originally get a 8 prescription for Xanax? 9 A. There was a good reason for it 10 and I forget. Either my daughter was 11 going through some heavy surgery, I don't 12 know, I forget. 13 Q. How long ago did you get the 14 prescription? 15 A. Oh, over a year ago. 16 Q. Do you remember the name of the 17 doctor that gave you the prescription for 18 Xanax? 19 A. He's in there somewhere. 20 Q. Was it your family doctor? 21 A. No. 22 Q. Do you know which doctor it was? 23 A. I think it began with a "W." 24 Q. Do you know what kind of doctor 25 he was?</p>	<p style="text-align: right;">Page 168</p> <p>1 transcript? 2 A. No. 3 Q. Did you have an opportunity to 4 think back about your testimony 5 yesterday? 6 A. Yeah, I got a little confused 7 there. 8 Q. I'm going to continue today 9 talking to you about your medical history 10 and some other areas that we didn't get a 11 chance to cover yesterday. 12 You mentioned briefly yesterday 13 that you were a smoker as well as many of 14 your family members; -- 15 A. Yes. 16 Q. -- is that correct? How old 17 were you when you started smoking? 18 A. Twenty-one. 19 Q. So, that would have been around 20 1956 or so? 21 A. Yeah. I was a nice, honest kid, 22 I waited. 23 Q. Did you have a particular brand 24 that you favored when you first started 25 smoking?</p>

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<p style="text-align: right;">Page 169</p> <p>1 A. Pall Mall, Chesterfield.  2 Q. And those were unfiltered,  3 right?  4 A. Right. Maybe once in a while  5 Parliament, that was filtered.  6 Q. When you first started smoking,  7 on average how many cigarettes a day were  8 you smoking?  9 A. About a dozen but I think I went  10 up to about a pack.  11 Q. Now, according to the document  12 provided to us in anticipation of this  13 deposition, you were pretty much a pack a  14 day smoker --  15 A. Yeah.  16 Q. -- throughout the entire period  17 of time you were smoking; is that  18 correct?  19 A. Yeah.  20 Q. Did you ever smoke more than a  21 pack a day?  22 A. Not really. I thought a pack, a  23 pack a day was too much anyway, that's  24 why I quit, I was coughing too much.  25 Q. Did you start smoking at about</p>	<p style="text-align: right;">Page 171</p> <p>1 breaks?  2 A. No. We just, we smoked right at  3 the machine where we worked.  4 Q. You were allowed to smoke --  5 A. Yeah.  6 Q. -- on the machinery, okay. And  7 I take it that was also true when you  8 were at United Vari in Freeport?  9 A. Yeah.  10 Q. You could smoke when you were  11 operating the machinery?  12 A. Right.  13 Q. And some of your co-workers  14 smoked as well?  15 A. Yes.  16 Q. How about when you switched and  17 moved on to the sheet metal shop number  18 17 at the Brooklyn Navy Yard in Brooklyn,  19 were you allowed to smoke?  20 A. I don't think so in there.  21 Q. You don't think they let you  22 smoke in the Brooklyn Navy Yard?  23 A. No, because shop 17 was a pretty  24 dusty, dirty shop, you know, where all  25 the filings and stuff, we were cutting up</p>
<p style="text-align: right;">Page 170</p> <p>1 the same time you started working for  2 United Vari?  3 A. No, I don't think so, no.  4 Q. Well, you told me yesterday you  5 started working for United Vari in the  6 mid-50s. Well, actually you said you  7 started working for them, to be exact you  8 said you started working for them around  9 1953 at the 9th Street and Fifth Avenue  10 location in Brooklyn.  11 A. Oh, then I was smoking.  12 Q. So, if you started smoking  13 around '55 or '56 or so, you would have  14 been working at the United Vari location  15 on Union Street and Seventh Avenue in  16 Brooklyn.  17 A. Yeah, okay.  18 Q. Were you allowed to smoke at  19 work?  20 A. Oh, yeah.  21 Q. Did your co-workers smoke as  22 well, some of them?  23 A. Not all of them but some of  24 them.  25 Q. Did they give you smoking</p>	<p style="text-align: right;">Page 172</p> <p>1 and scraping and plining, plining the  2 ends.  3 Q. So, to the best of your  4 recollection you weren't allowed to smoke  5 in the shop?  6 A. No, not in the Brooklyn Navy  7 Yard.  8 Q. Could you smoke on a break when  9 you were outside of the shop?  10 A. I'm not sure, I'm not sure on  11 that.  12 Q. And how about when you were  13 working on the ships, say the USS  14 Constellation, could you smoke when you  15 were down in the spaces on the ships?  16 A. I don't think. Maybe up on the  17 decks in designated spots. The navy was  18 very conscientious about any time they  19 had work going on, they had a fire watch  20 with a fire extinguisher, a military man  21 and he stands by when you were doing your  22 welding or whatever you were doing.  23 Q. Do you recall smoking on any  24 occasions while you were on the  25 Constellation?</p>

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1 A. I probably did.  
 2 Q. Did some of your co-workers --  
 3 A. The guys walked on the ships  
 4 smoking.  
 5 Q. Did some of your co-workers  
 6 smoke as well?  
 7 A. Oh, yeah, yes.  
 8 Q. And when you were on those other  
 9 unidentified ships, the small destroyers  
 10 and some of the other ones whose names  
 11 you can't recall, do you recall smoking  
 12 on occasion there too?  
 13 A. I think, yeah, yeah.  
 14 Q. And some of your co-workers  
 15 smoked as well?  
 16 A. When I was smoking I really  
 17 liked to smoke.  
 18 Q. And I take it you continued to  
 19 smoke when you were in the US Air Force;  
 20 is that correct?  
 21 A. Oh, yeah.  
 22 Q. Did they give you cigarettes?  
 23 A. No.  
 24 Q. The military didn't provide you  
 25 with cigarettes?

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1 A. No.  
 2 Q. You had to buy your own?  
 3 A. Yeah. Well, you had a discount  
 4 price.  
 5 Q. So, you smoked when you were  
 6 going through basic training at Sampson  
 7 Air Force Base?  
 8 A. Yeah.  
 9 Q. And I take it some of your  
 10 fellow servicemen or women also smoked?  
 11 A. Yeah.  
 12 Q. Did you smoke at Langley in  
 13 Virginia?  
 14 A. Yeah. The basic training was  
 15 finished then.  
 16 Q. Right. When you went to Langley  
 17 you continued to smoke at the base?  
 18 A. Yeah.  
 19 Q. And I take it some of your  
 20 fellow servicemen and women also smoked?  
 21 A. Yeah, and everything else.  
 22 Q. How about when you were at the  
 23 bases in Germany, were you smoking then  
 24 as well?  
 25 A. Oh, yeah. Totally independent I

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1 was. Someone got in the office working,  
 2 I was good at my typing, they liked my  
 3 type because they only had manual  
 4 typewriters and that's what I learned on.  
 5 MR. FINLEY: He's just asking now  
 6 about the smoking.  
 7 Q. I'm just talking to you about  
 8 smoking right now, sir. When you were  
 9 doing your typing work, you were able to  
 10 smoke at the same time?  
 11 A. Oh, yeah. Smoke and drank  
 12 coffee all day.  
 13 Q. And how about when you went back  
 14 to United Vari for that brief period of  
 15 time after you left the air force?  
 16 A. Yeah, no change, same thing.  
 17 Q. You still smoked?  
 18 A. Yeah.  
 19 Q. And some of your co-workers  
 20 smoked as well?  
 21 A. Yeah.  
 22 Q. And I take it when you were a  
 23 fireman out of Engine 202, you were  
 24 allowed to smoke in the firehouse?  
 25 A. Oh, yeah.

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1 Q. And some of your fellow firemen  
 2 smoked as well?  
 3 A. Yeah, sure.  
 4 Q. And when you did that side work  
 5 at the residential home projects in  
 6 Manhattan and Brooklyn and Queens for  
 7 Fred Brown Painting, you smoked on some  
 8 of those jobs?  
 9 A. Yeah.  
 10 Q. Unless the homeowner told you  
 11 they didn't want you to smoke.  
 12 A. Yeah, right.  
 13 Q. How long did you smoke  
 14 cigarettes for?  
 15 A. Oh, I would say 25 years.  
 16 Q. So, if you started in '56 or so,  
 17 that would place you smoking until about  
 18 1981 or so, the early 80s?  
 19 A. '56, why would I start --  
 20 Q. Well, you told me you started at  
 21 age 21.  
 22 A. Yeah.  
 23 Q. That would be '56. Do you think  
 24 you started earlier than that?  
 25 A. I thought I did.

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1 Q. Well, you told me originally at  
2 the age of 21, do you think you were a  
3 little younger when you started smoking?  
4 A. I might have been, maybe 18.  
5 Q. Were you smoking when you were  
6 in high school?  
7 A. No.  
8 Q. Right after you graduated high  
9 school?  
10 A. Maybe.  
11 Q. Sometime in the middle portion  
12 of the 50s?  
13 A. Okay.  
14 Q. Well again, I wasn't there, I  
15 don't know. I don't want to put words in  
16 your mouth, so don't necessarily agree  
17 with me, I just want to know what the  
18 best of your recollection is. Do you  
19 think you started smoking just after you  
20 left high school?  
21 A. Yeah, I would have difficulty  
22 with a yes or no.  
23 MR. FINLEY: Use your high school  
24 graduation as an anchor point, was it  
25 before your high school graduation or

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1 after?  
2 A. What was my graduation again?  
3 Q. Well, you didn't have an exact  
4 date I don't think but told me you  
5 thought you graduated around 1953 or so.  
6 A. That's right, '53, I have a ring  
7 at home.  
8 Q. And did you start smoking just  
9 after that?  
10 A. Yeah, I would say so.  
11 Q. And to the best of your  
12 recollection you smoked for about 25  
13 years?  
14 A. Yeah.  
15 Q. So, that would place us around  
16 1978 at the time you stopped, do you  
17 think that was right?  
18 A. Yeah, I guess so, yeah.  
19 MR. FINLEY: If you're not sure,  
20 you're not sure. You think it was about  
21 25 years?  
22 THE WITNESS: Yeah, I think 25  
23 years.  
24 Q. Were you still smoking Pall Mall  
25 and Chesterfield and occasionally

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1 Parliament filtered cigarettes when you  
2 stopped?  
3 A. Probably. A few other brands.  
4 Q. What else?  
5 A. I shouldn't have said that.  
6 MR. FINLEY: It's what you  
7 remember.  
8 Q. According to this --  
9 A. Wings, there were wings.  
10 Q. Wings, you smoked Viceroy  
11 occasionally?  
12 A. Viceroy, yeah.  
13 Q. And how about Marlboro?  
14 A. Marlboro, yeah. If you give me  
15 names, I could let you know.  
16 Q. So, in other words, you didn't  
17 really have a favorite, you varied  
18 between a bunch of different brands?  
19 A. Yeah. All the young kids and  
20 stuff, everybody was bumming from  
21 everybody else.  
22 Q. Did you smoke more filtered  
23 cigarettes than unfiltered cigarettes?  
24 A. Oh, that's a toughy. Probably  
25 later on I smoked more filtered.

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1 Q. And at the beginning more  
2 unfiltered?  
3 A. Yeah.  
4 Q. What led you to finally quit?  
5 A. Coughing so much. I coughed so  
6 much in the morning, I threw up, close to  
7 throwing up. Once I stopped coughing I  
8 felt good.  
9 Q. Did you use any type of smoking  
10 cessation device to help you quit?  
11 A. No.  
12 Q. Cold turkey?  
13 A. Cold turkey. I took up cigars  
14 at that time. Just threw them all out at  
15 once.  
16 Q. Did you smoke cigars?  
17 A. Yeah.  
18 Q. When did you start smoking  
19 cigars?  
20 A. I smoked cigars, a pipe. Pipe  
21 was the last thing.  
22 Q. Were you smoking cigars at the  
23 same time you were smoking cigarettes?  
24 A. No, no, I smoked -- switched  
25 over.

1 Q. So, you stopped smoking  
2 cigarettes around 1978 or so and you  
3 switched to cigars; is that correct?  
4 A. I think I switched to pipes  
5 first.  
6 Q. You switched to a pipe, okay.  
7 So, in 1978 or so you switched to smoking  
8 a pipe?  
9 A. Yeah.  
10 Q. How long did you smoke a pipe  
11 for?  
12 A. Probably about three or four  
13 years.  
14 Q. So, till the early 80s?  
15 A. Yeah.  
16 Q. Do you recall how many bowls of  
17 pipe tobacco a day you went through?  
18 A. About eight or ten.  
19 Q. Now, you were still working as a  
20 fireman during the period of time you  
21 were smoking a pipe; is that correct?  
22 A. Yes.  
23 Q. I take it you were able to smoke  
24 a pipe in the firehouse?  
25 A. Yeah.

1 Q. And some of your co-workers or  
2 colleagues were still smoking cigarettes  
3 at that time I take it, --  
4 A. Yeah.  
5 Q. -- correct?  
6 A. Yeah.  
7 Q. Did any of them smoke a pipe?  
8 A. Not really, I was really the  
9 oddball one. Oh, yeah, my captain.  
10 Q. Your captain smoked a pipe also,  
11 okay. And when you were doing that side  
12 work on the residential homes in Brooklyn  
13 or Manhattan or Queens, you were able to  
14 smoke a pipe at times during some of that  
15 work, correct?  
16 A. Depending on who the people  
17 were.  
18 Q. Unless the homeowners didn't  
19 want you smoking --  
20 A. Right.  
21 Q. -- in the house.  
22 So, you smoked a pipe from  
23 approximately 1978 for three or four  
24 years into the early 1980s; is that  
25 correct?

1 A. That sounds good.  
2 Q. Why did you stop smoking a pipe?  
3 A. I got tired of it.  
4 Q. Were you still coughing?  
5 A. I was coughing and I had to bite  
6 on my tongue and it was horrible. I  
7 don't know why I ever started.  
8 Q. And at that point you switched  
9 to cigars?  
10 A. Yeah, cigars is the last.  
11 Q. And you switched to cigars after  
12 you stopped smoking a pipe; is that  
13 correct?  
14 A. Yeah. One at a time.  
15 Q. So, around '82 or so you  
16 switched to cigars, correct?  
17 A. Yeah.  
18 Q. How long did you smoke cigars  
19 for?  
20 A. Until I quit.  
21 Q. When did you finally quit using  
22 any tobacco products?  
23 A. What year are we in now, '82?  
24 Q. You told me you switched from a  
25 pipe to cigars around 1982 or so.

1 A. Yeah, I quit around 1985, I  
2 think that was all.  
3 Q. Were you still smoking cigars  
4 when you retired from your work as a  
5 fireman?  
6 A. No, no, I quit.  
7 Q. You quit before that?  
8 A. Yeah.  
9 Q. So, to the best of your  
10 recollection you stopped smoking cigars  
11 around 1985 or so?  
12 A. Yeah, '85, '86.  
13 Q. So, you smoked for three or four  
14 years?  
15 A. Yeah.  
16 Q. A cigar?  
17 A. Yeah.  
18 Q. Did you have a particular brand  
19 of cigars that you favored?  
20 A. I had but I can't remember.  
21 Blunts. I can't remember.  
22 Q. Blunts?  
23 A. It's like a short cigar.  
24 Q. Yes.  
25 A. So common that I can't remember

1 at this point.  
 2 Q. How many cigars a day did you go  
 3 through?  
 4 A. Oh, I went through probably  
 5 eight or ten.  
 6 Q. Eight to ten, okay. And did you  
 7 stop smoking a pipe and stop smoking  
 8 cigars on your own you just quit cold  
 9 turkey?  
 10 A. Yeah, everything.  
 11 Q. You never used any smoking  
 12 cessation devices?  
 13 A. No.  
 14 Q. When you were smoking  
 15 cigarettes, did you see warning labels on  
 16 the sides of cigarette packaging?  
 17 A. Yeah.  
 18 Q. Do you remember what they said?  
 19 A. Attorney General says that might  
 20 be hazardous to your health.  
 21 Q. And did you continue to smoke  
 22 after seeing those warnings?  
 23 A. Yeah. Everybody smoked.  
 24 Q. Did they also have warnings on  
 25 the packaging for the cigars?

1 A. Not that I noticed.  
 2 Q. How about on the bowls of the  
 3 pipe tobacco, do you recall any warnings  
 4 on the bowls of the pipe tobacco?  
 5 A. No.  
 6 Q. Just on the cigarette packaging?  
 7 A. Yeah.  
 8 Q. While you were still smoking,  
 9 whether it was cigars or a pipe or  
 10 cigarettes, did any doctor ever advise  
 11 you to cut back or to quit smoking?  
 12 A. Offhand I can't remember any  
 13 doctor.  
 14 Q. You don't recall any doctor ever  
 15 asking you to quit?  
 16 A. No. I recall doctors on the  
 17 other side of the table smoking while he  
 18 was talking to me.  
 19 Q. You recall some of your doctors  
 20 smoking?  
 21 A. Yeah.  
 22 Q. Do you recall any family member  
 23 ever asking you to quit smoking?  
 24 A. No, because my sister and my  
 25 mother and my father smoked.

1 Q. Because most of your family  
 2 members were smoking along with you?  
 3 A. Yeah.  
 4 Q. And in fact, some of your family  
 5 members continued to smoke after you  
 6 quit; is that correct?  
 7 A. Oh, yeah. I was the first one  
 8 to quit.  
 9 Q. You were the first one of your  
 10 family to quit?  
 11 A. Yeah.  
 12 Q. Your wife continued to smoke  
 13 after you quit?  
 14 A. Yeah, yeah. When she got fed up  
 15 with it, she quit.  
 16 Q. We spent most of the day  
 17 yesterday talking about the different  
 18 places you worked and the different  
 19 places you served in the military and the  
 20 different places you lived over the  
 21 course of your lifetime.  
 22 A. Yes.  
 23 Q. And you told me about the  
 24 different ways you think you may have  
 25 come into contact with asbestos over the

1 course of your lifetime.  
 2 A. Yes.  
 3 Q. As you sit here right now, is  
 4 there any other way you think you may  
 5 have come into contact with asbestos over  
 6 the course of your lifetime that we  
 7 haven't already talked about?  
 8 (All defendants object)  
 9 A. I don't know, I don't really  
 10 know.  
 11 Q. Now again, your attorney  
 12 provided us with a document prior to this  
 13 deposition that lists the different  
 14 places you worked, the different places  
 15 you lived, some of the doctors you  
 16 visited over your lifetime and in that  
 17 document there's some reference to you  
 18 doing some work on cars. Did you ever do  
 19 any work on automobiles?  
 20 A. Yeah.  
 21 Q. We haven't already talked about  
 22 that, correct?  
 23 A. Right. I did it myself.  
 24 Q. Now, is this work you did for  
 25 pay or just a hobby, something you did on



<p style="text-align: right;">Page 189</p> <p>1 the side?</p> <p>2 A. I did it, I did it on my own</p> <p>3 cars to save money. And then being in</p> <p>4 the firehouse, they had a long driveway</p> <p>5 and I was a pretty good mechanic, the</p> <p>6 fellows, they always asked me to help</p> <p>7 them out and put in a disk or a plate or</p> <p>8 whatever we were using.</p> <p>9 Q. You just mentioned the</p> <p>10 firehouse, did you ever do any work on</p> <p>11 your own vehicles prior to being a</p> <p>12 fireman?</p> <p>13 A. No, not really. I learned a lot</p> <p>14 from them.</p> <p>15 Q. So, the first time you ever did</p> <p>16 any work on your vehicles would have been</p> <p>17 after you started working as a fireman</p> <p>18 for New York City, correct?</p> <p>19 A. Yeah. But I usually, I mean,</p> <p>20 used to do little jobs, you know, I don't</p> <p>21 think I did clutches or transmission or</p> <p>22 anything like that.</p> <p>23 Q. And when you say little jobs,</p> <p>24 what are you talking about, you're</p> <p>25 talking about changing the oil?</p>	<p style="text-align: right;">Page 191</p> <p>1 worked on vehicles that you personally</p> <p>2 owned?</p> <p>3 A. That I personally owned?</p> <p>4 Q. In other words, were they all</p> <p>5 your vehicles?</p> <p>6 A. Yeah. But I did help out</p> <p>7 friends with their vehicles. Now I can't</p> <p>8 even help myself out.</p> <p>9 Q. Do you believe that any of the</p> <p>10 auto work that you did, either on your</p> <p>11 own vehicles or assisting some friends,</p> <p>12 perhaps some fellow firefighters with</p> <p>13 their vehicles, in any way caused you to</p> <p>14 come into contact with asbestos?</p> <p>15 A. Oh, no, I don't think so.</p> <p>16 Possibly with the brakes, a clutch.</p> <p>17 Q. Well, a lot of things are</p> <p>18 possible. As you --</p> <p>19 A. Well, I'm saying that they</p> <p>20 contained asbestos.</p> <p>21 Q. Can you list for me the</p> <p>22 different vehicles you recall doing work</p> <p>23 on that you think may have caused you to</p> <p>24 come into contact with an asbestos part</p> <p>25 or component?</p>
<p style="text-align: right;">Page 190</p> <p>1 A. Yeah.</p> <p>2 Q. Changed spark plugs?</p> <p>3 A. Yeah. Even the points in the</p> <p>4 regular -- I could do that.</p> <p>5 Q. Did you change plugs or points?</p> <p>6 A. Yeah.</p> <p>7 Q. Did you change tires?</p> <p>8 A. Oh, sure.</p> <p>9 Q. Did you change filters?</p> <p>10 A. Yes.</p> <p>11 Q. How about belts or hoses?</p> <p>12 A. Yes. I did a lot.</p> <p>13 Q. And did you typically do this</p> <p>14 work outside of your house, at the fire</p> <p>15 department?</p> <p>16 A. At the firehouse, we had a long</p> <p>17 alley.</p> <p>18 Q. So, most of the work that you</p> <p>19 did on your cars, your personal vehicles</p> <p>20 would have been done at the firehouse?</p> <p>21 A. Yeah, because if I got stuck I</p> <p>22 could ask somebody.</p> <p>23 Q. Did you ever do any body work?</p> <p>24 A. Yeah.</p> <p>25 Q. Were all the vehicles that you</p>	<p style="text-align: right;">Page 192</p> <p>1 A. I don't know, had to be all the</p> <p>2 cars that I owned.</p> <p>3 Q. Let's focus on the period of</p> <p>4 time that you were a member of the fire</p> <p>5 department, --</p> <p>6 A. Okay.</p> <p>7 Q. -- okay? Can you list for me</p> <p>8 the different vehicles you owned during</p> <p>9 that period of time?</p> <p>10 A. Well, I know I started off with</p> <p>11 a '41 Ford.</p> <p>12 Q. Okay, 1941 Ford, what else did</p> <p>13 you own during the period of time that</p> <p>14 you worked for the fire department that</p> <p>15 you think you did work on?</p> <p>16 A. I had two Buick's.</p> <p>17 Q. So, a 1941 Ford, two Buick's.</p> <p>18 A. Yeah.</p> <p>19 Q. What else?</p> <p>20 A. I had a Pontiac convertible.</p> <p>21 Q. Okay.</p> <p>22 A. I had a Ford van for twelve</p> <p>23 years.</p> <p>24 Q. Anything else?</p> <p>25 A. I think that's about it. I</p>

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1 probably could think of a couple more but  
 2 now I don't know.  
 3 Q. If you think of any others, let  
 4 me know.  
 5 A. Okay.  
 6 Q. So far we have a 1941 Ford, two  
 7 Buick's, a Pontiac convertible and a Ford  
 8 van.  
 9 A. Okay.  
 10 Q. The 1941 Ford, I take it you  
 11 purchased that used, correct?  
 12 A. Yeah.  
 13 Q. Do you remember what year you  
 14 purchased it?  
 15 A. Oh, that was -- I bought the car  
 16 for \$50, that should give you...  
 17 Q. Do you remember who you bought  
 18 it from?  
 19 A. Some guy from Bay Ridge.  
 20 Q. Do you remember what year you  
 21 bought it or how old you were when you  
 22 bought it?  
 23 A. I was probably just about,  
 24 probably about 19 or 20.  
 25 Q. So, that would have been around

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1 1955 or so?  
 2 A. Yeah. That was my first car.  
 3 Q. And I take it you didn't do any  
 4 work on that vehicle until you started  
 5 working for the fire department?  
 6 A. Oh, no, no. I would have worked  
 7 United Vari-Crafts and I was using the  
 8 Ford in all that.  
 9 Q. How long did you own the 1941  
 10 Ford?  
 11 A. That's a tough question, '41  
 12 Ford is many years ago.  
 13 Q. I understand but approximately  
 14 how many years did you own it?  
 15 A. I probably owned it about six or  
 16 eight years.  
 17 Q. So, that would have been from  
 18 around the age of 20, which would be  
 19 around 1955, till around the early 1960s;  
 20 does that sound about right?  
 21 A. Yeah. Everybody used it, it was  
 22 a street car, street box car. They  
 23 weren't too tough with insurance, guys  
 24 could borrow the car no problem.  
 25 Q. Did you do things on that

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1 vehicle, the 1941 Ford, like change the  
 2 oil?  
 3 A. Oh, yeah.  
 4 Q. You changed spark plugs on that  
 5 vehicle?  
 6 A. Yeah.  
 7 Q. How about plugs or points?  
 8 A. Yes.  
 9 Q. Did you change tires on that  
 10 vehicle?  
 11 A. Yeah.  
 12 Q. Did you change filters on that  
 13 vehicle?  
 14 A. Yeah.  
 15 Q. Did you change belts and hoses  
 16 on that vehicle?  
 17 A. Right.  
 18 Q. Now, most of the time you owned  
 19 this vehicle, you weren't working for the  
 20 fire department?  
 21 A. Yeah.  
 22 Q. Where did you do this work?  
 23 A. In the street.  
 24 Q. Outside of your home?  
 25 A. Yeah.

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1 Q. And you were living at 438 69th  
 2 Street at that time?  
 3 A. Right. We'd go up to the park,  
 4 63rd Street, three or four guys with  
 5 cars, all friends would meet and then we  
 6 would work on cars.  
 7 Q. Do you remember the names of any  
 8 of the friends that helped you with your  
 9 cars?  
 10 A. No. They're probably all dead.  
 11 I could give you the names, George  
 12 Gunderson.  
 13 Q. George Gunderson?  
 14 A. Yeah.  
 15 Q. Anybody else?  
 16 A. Johnny Hoben.  
 17 Q. Johnny?  
 18 A. Hoben; H-O-B-E-N.  
 19 Q. Anybody else?  
 20 A. Louie Thomas. I don't know, I  
 21 could give you another 20 I think.  
 22 Q. Are all these individuals  
 23 deceased?  
 24 A. I don't know, I haven't seen  
 25 them, I've been living in Breezy Point.

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<p style="text-align: right;">Page 197</p> <p>1 Q. So, you don't know if they're 2 still alive? 3 A. I don't know. 4 Q. Do you have any reason to 5 believe that any of the work you did on 6 the 1941 Ford either outside of your home 7 in Bay Ridge or perhaps during the first 8 year or two that you worked at the 9 firehouse in any way caused you to come 10 into contact with asbestos, just on the 11 '41 Ford? 12 A. No. 13 Q. Now, you also mentioned two 14 Buick's, can you be more specific as to 15 the types of Buick's they were; in other 16 words, the model? 17 A. Yeah, I think -- I can't think 18 of the sub-name, what they were. There 19 was a four door and I think a two door 20 because they had very big doors. 21 Q. The two door was a coupe? 22 A. Yeah. 23 Q. Do you remember the model of the 24 coupe? 25 A. No.</p>	<p style="text-align: right;">Page 199</p> <p>1 '41 Ford till the early 60s which would 2 have been about the time you started 3 working for the fire department. So, do 4 you think you owned the four door Buick 5 during the early portion of the years you 6 worked for the New York City Fire 7 Department? 8 A. I don't think so. A little 9 earlier now in those things but I don't 10 think I had the '41 Ford down at the 11 firehouse. 12 Q. So, you don't think you had the 13 '41 Ford down at the firehouse? 14 A. No. 15 Q. Do you think you owned the four 16 door Buick at any time that you were 17 working as a fireman? 18 A. No. I worked -- I owned the 19 Buick convertible, I remember taking that 20 to Virginia on a few trips. 21 Q. Was that the coupe, the two 22 door? 23 A. Yeah. 24 Q. Which did you own first, the 25 four door or the two door?</p>
<p style="text-align: right;">Page 198</p> <p>1 Q. Do you remember the year of the 2 vehicle? 3 A. No. 4 Q. Did you purchase both vehicles 5 used? 6 A. Yes. 7 Q. Do you recall the year of either 8 the two door or the four door? 9 A. No. I couldn't afford a new 10 car. 11 Q. How old were you when you 12 purchased the four door Buick? 13 A. Probably over 18, I don't know, 14 25. 15 Q. This was after the '41 Ford? 16 A. Oh, yeah, yeah. 17 Q. You didn't own it at the same 18 time? 19 A. No. 20 Q. So, you owned the four door 21 Buick during the period of time you were 22 working as a fireman, correct? 23 A. No, no. Four door -- maybe I 24 did, I'm not sure. 25 Q. Well, you told me you owned the</p>	<p style="text-align: right;">Page 200</p> <p>1 A. I think the four door. 2 Q. And how many years did you own 3 the four door? 4 A. Probably about three. 5 Q. And this was before you were a 6 fireman? 7 A. I was a fireman. 8 Q. You were a fireman when you 9 owned the four door? 10 A. Yeah. 11 Q. Let's just talk about the four 12 door Buick first. Did you do things -- 13 A. I got them mixed up now. I was 14 in the air force. 15 Q. Do you think you were in the air 16 force when you -- 17 A. Yes. 18 Q. -- owned the four door Buick? 19 A. Because I used to make trips 20 from Langley, Virginia. 21 Q. So, if you were in the air 22 force, that would place us around 1959 to 23 1961 or 2; does that sound about right? 24 A. Okay. 25 Q. Did you own the four door Buick</p>

12 (Pages 197 - 200)

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1 throughout the entire period of time you  
 2 were in the air force?  
 3 A. No. Once I shipped overseas I  
 4 got rid of all my cars.  
 5 Q. So, you would have only owned  
 6 the four door Buick before you went to  
 7 Germany?  
 8 A. Yes.  
 9 Q. Which would put us in the late  
 10 50s?  
 11 A. Yes.  
 12 Q. And I take you did things like  
 13 change the oil on that car?  
 14 A. Yeah, changed stuff.  
 15 Q. You changed the spark plugs?  
 16 A. Yes.  
 17 Q. Did you do plugs and points on that  
 18 vehicle?  
 19 A. Yes.  
 20 Q. Did you change tires on that  
 21 vehicle?  
 22 A. Yes.  
 23 Q. Did you change filters and belts  
 24 and hoses on that vehicle?  
 25 A. Yes.

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1 Q. Any body work on that vehicle?  
 2 A. Probably, probably some body  
 3 work but I don't remember.  
 4 Q. You don't remember the body  
 5 work, okay. Do you have any reason to  
 6 believe that any of the work you did on  
 7 the four door Buick that you owned when  
 8 you were in the air force prior to going  
 9 overseas in any way caused you to come  
 10 into contact with asbestos?  
 11 A. No. I never did any grinding on  
 12 it or anything.  
 13 Q. Now, you also told me that you  
 14 owned a two door Buick; is that correct?  
 15 A. Yeah.  
 16 Q. Did you own that vehicle after  
 17 you got back from the air force?  
 18 A. No, no.  
 19 Q. When did you own that vehicle?  
 20 A. Sometime before I went overseas.  
 21 Q. So, this was also before you  
 22 went overseas?  
 23 A. Yeah.  
 24 Q. So, this would have been mid to  
 25 late 50s again?

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1 A. Yeah. I got newer cars when I  
 2 came back.  
 3 Q. I take it you purchased the two  
 4 door Buick used as well?  
 5 A. Yeah. I don't know if I  
 6 purchased that before I went to Europe or  
 7 what.  
 8 Q. Well, you told me you think you  
 9 owned it before you went into the air  
 10 force; is that incorrect?  
 11 A. (No verbal response given)  
 12 Q. In other words, do you remember  
 13 where you drove the two door Buick to and  
 14 from?  
 15 A. Yeah, I must have, I must have.  
 16 No, I drove that around Brooklyn.  
 17 Q. So, would that have been before  
 18 or after you were in the service?  
 19 A. No. Yeah, that was when I was  
 20 in the service I used that car.  
 21 Q. You used the two door when you  
 22 were in the service?  
 23 A. Yeah.  
 24 Q. And this would have been before  
 25 you went overseas?

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1 A. Right.  
 2 Q. Once again, did you do things  
 3 like change the oil and spark plugs on  
 4 that vehicle?  
 5 A. Yes.  
 6 Q. And you changed points on that  
 7 vehicle?  
 8 A. Yes.  
 9 Q. Did you change any tires on that  
 10 vehicle?  
 11 A. Yes.  
 12 Q. How about filters or belts or  
 13 hoses?  
 14 A. Yes.  
 15 Q. Did you do any body work on that  
 16 vehicle?  
 17 A. Yes.  
 18 Q. Do you have any reason to  
 19 believe that any of the work you did on  
 20 the two door Buick prior to going  
 21 overseas in the air force in any way  
 22 caused you to come into contact with  
 23 asbestos?  
 24 A. No.  
 25 Q. So, we've talked about the '41

1 Ford and we've talked about the two  
2 Buick's. You also told me that at some  
3 point in time you owned a Pontiac  
4 convertible; is that correct?  
5 A. Yes.  
6 Q. Do you remember the year of the  
7 Pontiac convertible?  
8 A. No.  
9 Q. When did you own that vehicle?  
10 A. I don't know. Let's see, in  
11 between -- I don't know, that's a hard  
12 question for me.  
13 MR. FINLEY: Take your time.  
14 Q. Sure.  
15 A. I don't know.  
16 Q. Let me try to help you. Did you  
17 own the Pontiac convertible before or  
18 after you became a New York City  
19 firefighter?  
20 A. I owned that before.  
21 Q. You owned that vehicle before  
22 you were a firefighter also?  
23 A. I think so, yeah, I'm pretty  
24 sure.  
25 Q. You owned a lot of vehicles

1 before you were a firefighter; is that  
2 correct?  
3 A. Yeah. They're only secondhand  
4 cars.  
5 Q. I understand that. You  
6 purchased that vehicle used I take it?  
7 A. Yeah.  
8 Q. Do you remember who you  
9 purchased it from?  
10 A. No.  
11 Q. Do you remember how long you  
12 owned it?  
13 A. The Pontiac?  
14 Q. The Pontiac convertible.  
15 A. I owned that probably about two  
16 years.  
17 Q. And this was prior to going  
18 overseas?  
19 A. Yeah. I spent a year in  
20 Langley, Virginia.  
21 Q. I understand that. Were there  
22 times where you owned more than one car  
23 at a time before you went overseas?  
24 A. No.  
25 Q. So, all these cars were owned

1 individually?  
2 A. Right.  
3 Q. Focusing on the Pontiac  
4 convertible, did you change the oil on  
5 that car?  
6 A. Yes.  
7 Q. Did you change spark plugs and  
8 points on that car?  
9 A. Yes.  
10 Q. Did you change tires on that  
11 car?  
12 A. Yes.  
13 Q. Did you change filters on that  
14 car?  
15 A. Yes.  
16 Q. Did you change belts and hoses  
17 on that car?  
18 A. Yes.  
19 Q. Did you do any body work on that  
20 car?  
21 A. Yes. On all the cars.  
22 Q. Do you have any reason to  
23 believe that any of the work that you  
24 personally did on the Pontiac convertible  
25 in any way caused you to come into

1 contact with an asbestos part or  
2 component?  
3 A. No, I don't think so.  
4 Q. You also told me you owned a  
5 Ford van and you owned that for about  
6 twelve years, a long time.  
7 A. Right.  
8 Q. Did you own this vehicle while  
9 you were a New York City firefighter?  
10 A. Yeah.  
11 Q. This was one of the vehicles you  
12 were driving when you were a firefighter?  
13 A. Yes.  
14 Q. Did you purchase the Ford van  
15 new or used?  
16 A. Used.  
17 Q. Do you remember what year you  
18 purchased it?  
19 A. No, I don't remember.  
20 Q. Do you remember who you  
21 purchased it from?  
22 A. Some guy in New Jersey but I  
23 don't know.  
24 Q. You said you owned the vehicle  
25 for about twelve years, can you give me

1 an estimate as to the period of time you  
 2 owned that vehicle; in other words, when  
 3 did those twelve years occur?  
 4 A. I don't know. I know I got rid  
 5 of it just before I was getting out of...  
 6 Q. Just before you were --  
 7 A. Getting out of the service, out  
 8 of the...  
 9 Q. Now I'm confused. You got rid  
 10 of the Ford van before you got out of the  
 11 service?  
 12 A. (No verbal response given)  
 13 Q. That doesn't really make any  
 14 sense because if you said you owned that  
 15 vehicle for twelve years, I don't think  
 16 it's possible that you could have gotten  
 17 rid of it before you left the service?  
 18 A. I owned it for a long time, I  
 19 know that.  
 20 Q. I understand that. Did you own  
 21 the Ford van while you were a New York  
 22 City fireman?  
 23 A. Oh, yes.  
 24 Q. So, this would have been after  
 25 the service?

1 A. Yeah. Because I was -- I worked  
 2 on the Ford van in the fire department  
 3 driveway.  
 4 Q. In the long driveway outside --  
 5 A. Yeah.  
 6 Q. -- of the fire department?  
 7 A. Yeah. And I worked in there for  
 8 years.  
 9 Q. Now, this Ford van, did you own  
 10 it during the early, the middle or the  
 11 latter portion of your tenure with the  
 12 fire department?  
 13 A. That's what I was trying to  
 14 project the next question because I knew  
 15 it was coming.  
 16 Q. In other words, was this towards  
 17 the end of your years with the fire  
 18 department?  
 19 A. Getting close, I don't know how  
 20 close.  
 21 Q. Do you think you owned this Ford  
 22 van in the 1970s or the 1980s?  
 23 A. Oh, yeah, I think 1980s, I  
 24 think.  
 25 Q. Do you remember what year you

1 sold it?  
 2 A. No, I don't.  
 3 Q. Do you remember who you sold it  
 4 to?  
 5 A. No. We used to take a lot of  
 6 trips upstate with it, you know.  
 7 Q. Did you do things like change  
 8 the oil on that vehicle?  
 9 A. Yeah.  
 10 Q. Did you change spark plugs and  
 11 points on that vehicle?  
 12 A. Yeah, all of that.  
 13 Q. You changed tires?  
 14 A. Yeah.  
 15 Q. You changed filters and belts  
 16 and hoses?  
 17 A. Yeah.  
 18 Q. Did you do any body work on that  
 19 vehicle?  
 20 A. Yeah.  
 21 Q. Did you ever change a starter or  
 22 an alternator on that vehicle?  
 23 A. Oh, yeah, starter, yeah.  
 24 Q. You changed a starter?  
 25 A. Oh, yeah. When it didn't work,

1 I hit it with a hammer and it would work.  
 2 Q. And you did most of this work in  
 3 the driveway of the firehouse you were  
 4 working at?  
 5 A. Or wherever it happened, I had  
 6 to do that on a thruway. The starter was  
 7 -- got hung up on the first spot but I  
 8 knew how to fix it with a hammer.  
 9 Q. Do you think any of the work  
 10 that you did on the Ford van that you  
 11 owned for twelve years in any way caused  
 12 you to come --  
 13 MR. WARSHAUER: Strike that.  
 14 Q. Do you think that any of the  
 15 work that you personally performed on the  
 16 Ford van in any way caused you to come  
 17 into contact with an asbestos-containing  
 18 part or component?  
 19 A. I don't think so.  
 20 Q. Do you recall any other vehicle  
 21 you owned during your lifetime that you  
 22 personally did automotive maintenance or  
 23 repair work on?  
 24 A. I got to tell you about my Ford  
 25 van, they had asbestos in the brake shoes

1 and everything.  
 2 Q. Did you ever do any brake work  
 3 on the Ford van?  
 4 A. Oh, sure.  
 5 Q. Well, you haven't told me about  
 6 that, you got to tell me these things.  
 7 A. I did a lot of brake work.  
 8 Q. How many times do you think you  
 9 did a brake job on the Ford van?  
 10 A. In twelve years?  
 11 Q. Yes.  
 12 A. I don't know, about 30 times  
 13 because I hauled a lot of stuff.  
 14 Q. Were you tough on brakes?  
 15 A. Yeah. Well, I used to do  
 16 roofing too, I would carry 500 pounds in  
 17 there, 500, 1,000 pounds.  
 18 Q. You used to carry roofing  
 19 materials --  
 20 A. Roofing.  
 21 Q. -- in the Ford van?  
 22 A. Rolls of roofing material or for  
 23 shingles.  
 24 Q. Now, you didn't -- you only  
 25 briefly or I think on one occasion

1 yesterday you mentioned roofing work but  
 2 then you didn't tell me that you did that  
 3 work when you were doing that side work  
 4 at the residential homes, so we'll come  
 5 back to that in a minute.  
 6 A. I did roofing from day one.  
 7 Q. I'll come back to that in a  
 8 minute, let me --  
 9 (All defendants move to strike the  
 10 non-responsive portions)  
 11 Q. Let me finish up with the brake  
 12 work on the Ford van.  
 13 A. Sure.  
 14 Q. You estimated you did about 30  
 15 brake jobs on that Ford van?  
 16 A. Yeah.  
 17 Q. Was all of the brake work you  
 18 did on the Ford van done outside of the  
 19 firehouse that you worked at?  
 20 A. Yes.  
 21 Q. Did anyone such as any of the  
 22 other firemen ever assist you with any of  
 23 the brake work?  
 24 A. Oh, yeah, they helped me.  
 25 Q. Do you remember the names of any

1 of your fellow firefighters that assisted  
 2 you?  
 3 A. Ralph Lombardi.  
 4 Q. Anyone else?  
 5 A. No. Funny names, I can't  
 6 remember.  
 7 Q. Just Mr. Lombardi?  
 8 A. Yeah, Lombardi.  
 9 Q. What tools would you use to  
 10 perform a brake job?  
 11 A. Oh, well, we had spring  
 12 releases.  
 13 Q. What else?  
 14 A. Coil clips, coil clips.  
 15 Q. What else?  
 16 A. And a special screwdriver wrench  
 17 that would take off the washer that was  
 18 holding the pads on.  
 19 Q. Did this Ford van take brake  
 20 pads?  
 21 A. Yes, brake pads.  
 22 Q. Didn't use drum type brakes, it  
 23 took pads?  
 24 A. No, I don't think -- no, took  
 25 brake pads. I changed the drum types.

1 Q. But this Ford van took pads?  
 2 A. Yeah. But I had cars that was  
 3 drum.  
 4 Q. I understand you had other  
 5 vehicles but we're just focusing on the  
 6 Ford van right now.  
 7 A. Okay.  
 8 Q. How long would it take you start  
 9 to finish to change the brakes on the  
 10 van?  
 11 A. All four wheels?  
 12 Q. Well, did you do all four wheels  
 13 every time you changed the brakes?  
 14 A. No, I generally would do is take  
 15 off two wheels. I had another car in the  
 16 firehouse in the garage and we would pull  
 17 off all four wheels, get them turned  
 18 down, bring them back and put them on,  
 19 you know, with the new pads and the new  
 20 turn down drums.  
 21 Q. Is there any part of the process  
 22 in performing a brake replacement job on  
 23 the Ford van that you think caused you to  
 24 come into contact with an  
 25 asbestos-containing part or component?

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1 A. Well, cleaning out brakes you  
 2 used a dry brush since there's a lot of  
 3 dust in there, you clean out with a brush  
 4 and then use a blower.  
 5 Q. So, you used a dry brush to  
 6 clean out the brakes?  
 7 A. Inside the drum, when I pulled  
 8 off the drum and then I blow it with an  
 9 air hose.  
 10 Q. And then you follow up with an  
 11 air hose?  
 12 A. Yeah.  
 13 Q. Now, you mentioned the term drum  
 14 but then you also said pads. Now, were  
 15 the type of brakes on this particular  
 16 vehicle drum type brakes?  
 17 A. Drums is a drum that goes around  
 18 the outside and the pad is a pad that  
 19 goes on the inside of the drum, one that  
 20 gets the grooves in it and gets turned  
 21 down.  
 22 Q. How long would it take you to  
 23 remove the existing pads on this  
 24 particular Ford van?  
 25 A. All eight of them?

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1 Q. Well, how many were there?  
 2 A. I only had four tires on it.  
 3 Q. So, eight pads total?  
 4 A. No.  
 5 Q. You said eight.  
 6 A. Yeah, I know, wrong guess.  
 7 MR. FINLEY: Take your time.  
 8 Q. How many pads were there on the  
 9 Ford van?  
 10 A. Each wheel had four -- one,  
 11 two...  
 12 Q. Each wheel had four?  
 13 A. No, had two.  
 14 Q. And the van had four tires,  
 15 correct?  
 16 A. Yeah.  
 17 Q. So, that would be eight pads in  
 18 total?  
 19 A. Yeah.  
 20 Q. So, you were right, you said  
 21 eight pads.  
 22 A. Yeah.  
 23 Q. How long would it take you to  
 24 remove the existing pads?  
 25 A. I got to jack up the car and all

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1 that.  
 2 Q. You used a floor jack?  
 3 A. Yeah.  
 4 Q. No lift or anything?  
 5 A. No.  
 6 Q. How long would the process of  
 7 removing the existing brake pads take  
 8 you?  
 9 A. I would say between two and  
 10 three hours.  
 11 Q. And what would you do with the  
 12 old pads after you took them off?  
 13 A. Throw them away.  
 14 Q. Any way to tell who made the old  
 15 pads?  
 16 A. I never did, I don't know the  
 17 name. They're worn down, the asbestos  
 18 part was worn off.  
 19 Q. They were worn out?  
 20 A. Yeah, they were gone.  
 21 Q. So, you tossed them in the  
 22 garbage?  
 23 A. Right.  
 24 Q. Now, did you purchase the  
 25 replacement pads for that vehicle?

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1 A. Yes.  
 2 Q. Do you remember where you  
 3 purchased them from?  
 4 A. Oh, we had automotive stores  
 5 down around the firehouse.  
 6 Q. Do you remember the names of any  
 7 of the automotive stores you frequented?  
 8 A. No, no. There were so many of  
 9 them down there.  
 10 Q. But they were near the house in  
 11 Brooklyn?  
 12 A. Oh, yeah, they were near the  
 13 firehouse.  
 14 Q. Do you remember the make or  
 15 manufacturer of any of the replacement  
 16 brake pads you installed on the Ford van?  
 17 A. I used mostly used Bendix.  
 18 Q. Is there a reason that you  
 19 mostly used that brand?  
 20 A. Well, I got to come in, I got  
 21 used to using them, there were so many of  
 22 them.  
 23 Q. Do you think you ever used any  
 24 replacement brake pads manufactured by a  
 25 company called Raybestos?



<p style="text-align: right;">Page 221</p> <p>1 A. No.</p> <p>2 Q. How about Johns-Manville?</p> <p>3 A. Oh, yeah, I heard of</p> <p>4 Johns-Manville.</p> <p>5 Q. Did you ever use any pads made</p> <p>6 by Johns-Manville?</p> <p>7 A. I don't know. I bought a set of</p> <p>8 them somewhere.</p> <p>9 Q. Have we now talked about all the</p> <p>10 different work you did on vehicles that</p> <p>11 you personally owned that you can</p> <p>12 presently recall?</p> <p>13 MR. WARSIAUER: Well, actually let</p> <p>14 me ask you differently, let me strike</p> <p>15 that, that's a poorly phrased question.</p> <p>16 Q. You also told me that on</p> <p>17 occasion you may have assisted the</p> <p>18 firefighters with work on their own</p> <p>19 vehicles; --</p> <p>20 A. Yes.</p> <p>21 Q. -- is that correct?</p> <p>22 A. Yes.</p> <p>23 Q. On occasions when you were</p> <p>24 assisting the firefighters with work on</p> <p>25 their own vehicles, did you do the same</p>	<p style="text-align: right;">Page 223</p> <p>1 focus on the times that you assisted</p> <p>2 them, okay?</p> <p>3 A. Okay.</p> <p>4 Q. On any of the occasions when you</p> <p>5 assisted the other firefighters with work</p> <p>6 on their own vehicles, do you think that</p> <p>7 you were in any way ever exposed to a</p> <p>8 product or a component that contained</p> <p>9 asbestos?</p> <p>10 A. Yeah. If they were working on</p> <p>11 another set of brakes or clutches that</p> <p>12 contained asbestos, I could be right</p> <p>13 behind them with my car. The driveway</p> <p>14 only held about six cars, five, six cars,</p> <p>15 we used to line them up and work on each</p> <p>16 car.</p> <p>17 Q. Did you ever assist any of the</p> <p>18 firemen with any brake work?</p> <p>19 A. Oh, sure.</p> <p>20 Q. How many occasions?</p> <p>21 A. I don't know, a lot. I'm down</p> <p>22 there 28 years.</p> <p>23 Q. When you were assisting the</p> <p>24 other firemen with brake work on their</p> <p>25 own vehicles, can you tell me</p>
<p style="text-align: right;">Page 222</p> <p>1 type of work that you talked about doing</p> <p>2 on your vehicles?</p> <p>3 A. Basically yes.</p> <p>4 Q. Did you help them change the</p> <p>5 oil?</p> <p>6 A. Yeah.</p> <p>7 Q. Did you help them change spark</p> <p>8 plugs or points on their own vehicles?</p> <p>9 A. All fit for tat, you know.</p> <p>10 Q. Helped them change tires?</p> <p>11 A. Yes.</p> <p>12 Q. Did you ever help them change</p> <p>13 filters or belts or hoses on their</p> <p>14 vehicles?</p> <p>15 A. Yes.</p> <p>16 Q. Did you ever help them with body</p> <p>17 work on their own vehicles?</p> <p>18 A. Yeah.</p> <p>19 Q. Did you ever help them change a</p> <p>20 starter or an alternator on any of their</p> <p>21 own vehicles?</p> <p>22 A. A lot of times I didn't, they</p> <p>23 did it on their own but a lot of times I</p> <p>24 did help.</p> <p>25 Q. I understand. I only want to</p>	<p style="text-align: right;">Page 224</p> <p>1 specifically what role if any you played</p> <p>2 in the changing of the brakes?</p> <p>3 A. Sometimes the whole job myself.</p> <p>4 Q. Can you recall any specific</p> <p>5 vehicle that someone else owned at the</p> <p>6 fire department where you changed the</p> <p>7 brakes?</p> <p>8 A. Oh, no. I didn't have a true</p> <p>9 interest in it, only my own car.</p> <p>10 Q. You just recall doing it?</p> <p>11 A. Yeah, oh, yeah. But some guys</p> <p>12 were really stuck and they couldn't</p> <p>13 handle it.</p> <p>14 Q. And you can't give me an</p> <p>15 estimate as to how many times you think</p> <p>16 you helped a firemen change the brakes on</p> <p>17 one of his vehicles?</p> <p>18 A. No, not on one particular</p> <p>19 fireman but I could tell you about my</p> <p>20 Ford van.</p> <p>21 Q. Well, we talked about your Ford</p> <p>22 van.</p> <p>23 A. Yeah, that was a steady routine.</p> <p>24 Q. Would the person who owned the</p> <p>25 vehicle be responsible for purchasing the</p>

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<p style="text-align: right;">Page 225</p> <p>1 replacement brakes on their vehicle?</p> <p>2 A. Me, yes.</p> <p>3 Q. No. The firemen who owned the</p> <p>4 vehicle --</p> <p>5 A. Oh, yes.</p> <p>6 Q. -- that you assisted on --</p> <p>7 A. They bought their own.</p> <p>8 Q. Would you know the make or</p> <p>9 manufacturer of any of the replacement</p> <p>10 brakes that they purchased?</p> <p>11 A. Probably not on one they bought.</p> <p>12 Q. You wouldn't know that?</p> <p>13 A. No. Maybe one or two. We</p> <p>14 always used a lot of Bendix brakes.</p> <p>15 Q. Do you know where they purchased</p> <p>16 any of those vehicles?</p> <p>17 A. Right on Hamilton Avenue.</p> <p>18 Q. And you don't remember the name</p> <p>19 of the supplier?</p> <p>20 A. No. Because they changed, they</p> <p>21 changed hands three or four times while I</p> <p>22 was there, you know. Auto parts store,</p> <p>23 they changed over three or four times.</p> <p>24 Q. And you can't recall the</p> <p>25 specific make or model of any vehicle you</p>	<p style="text-align: right;">Page 227</p> <p>1 starting a job you want to help everybody</p> <p>2 out, anybody needed my help, I gave them</p> <p>3 help.</p> <p>4 Q. I understand that but I'm only</p> <p>5 talking about a clutch job or clutch</p> <p>6 work. Do you know when the first time</p> <p>7 you would have assisted a fireman with a</p> <p>8 clutch job?</p> <p>9 A. No. They trust me.</p> <p>10 Q. Do you know when the last time</p> <p>11 would have been?</p> <p>12 A. No. A lot of times just go over</p> <p>13 there and tighten up a couple of bolts on</p> <p>14 it.</p> <p>15 Q. Do you know what tools would</p> <p>16 have been used in performing a clutch</p> <p>17 job?</p> <p>18 A. Basically vice grips and channel</p> <p>19 locks, always a persuasive hammer. A few</p> <p>20 other tools, I just can't put the name on</p> <p>21 them. I like tools.</p> <p>22 Q. Do you know the steps the</p> <p>23 firemen and perhaps yourself in assisting</p> <p>24 him would go through in replacing a</p> <p>25 clutch?</p>
<p style="text-align: right;">Page 226</p> <p>1 helped another fireman change the brakes</p> <p>2 on?</p> <p>3 A. No. I used to know how to put</p> <p>4 the brakes, they're all basically the</p> <p>5 same, I knew how to put them together.</p> <p>6 Q. Did you ever assist a fireman</p> <p>7 with a clutch job --</p> <p>8 A. Yes.</p> <p>9 Q. -- on any of their vehicles?</p> <p>10 Are you okay?</p> <p>11 A. Yeah. Just a cough.</p> <p>12 Q. Can you recall the make or model</p> <p>13 of any vehicle that you assisted a</p> <p>14 fireman with a clutch job on?</p> <p>15 A. No. I only took interest in my</p> <p>16 cars because I had a side business and I</p> <p>17 had to keep them in top shelf condition.</p> <p>18 Q. Do you know when the first time</p> <p>19 you would have assisted a fireman with a</p> <p>20 clutch job would have been? I don't want</p> <p>21 you to guess, I only want you to tell me</p> <p>22 if you know.</p> <p>23 A. Give it a year when they came on</p> <p>24 the job, approximate give or take because</p> <p>25 I was very -- well, you know, you knew</p>	<p style="text-align: right;">Page 228</p> <p>1 A. Not offhand, it's been quite a</p> <p>2 while.</p> <p>3 Q. And you can't recall any</p> <p>4 specific vehicle you assisted a firemen</p> <p>5 with changing the clutch on; is that</p> <p>6 correct?</p> <p>7 A. No.</p> <p>8 Q. That's correct?</p> <p>9 A. Yeah. See, the clutch that I</p> <p>10 had on the Ford van, I never changed that</p> <p>11 one because that's the one I was doing</p> <p>12 all the heavy lugging with.</p> <p>13 Q. The clutch lasted, you never had</p> <p>14 to change it?</p> <p>15 A. Oh, no, it lasted. I burned out</p> <p>16 a lot of clutches.</p> <p>17 Q. Right.</p> <p>18 A. I never knew how long they</p> <p>19 lasted. I really abused a clutch, I had</p> <p>20 a double clutch going up to maybe 1,000</p> <p>21 pounds in the van.</p> <p>22 Q. On occasions when you were</p> <p>23 assisting the firemen with changing a</p> <p>24 clutch on any of their vehicles, what</p> <p>25 roll if any would you play in the process</p>

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1 of changing the clutch?  
 2 A. Basically just advice, I'd be  
 3 working right alongside of them, maybe  
 4 help out with a few ways, they're  
 5 twisting a bolt or something.  
 6 Q. The fireman was responsible for  
 7 changing the clutch on his own vehicle?  
 8 A. Oh, yeah.  
 9 Q. And I take it he would be the  
 10 one responsible for purchasing the  
 11 replacement clutch?  
 12 A. I would say yeah.  
 13 Q. And I take it the fireman would  
 14 purchase the replacement clutch from one  
 15 of those area supply houses in Brooklyn?  
 16 A. Yeah.  
 17 Q. Do you know how long the process  
 18 of removing an existing clutch would take  
 19 on any vehicle?  
 20 A. Forty-five minutes I would say.  
 21 Q. And how about the process of  
 22 installing the replacement clutch?  
 23 A. About the same.  
 24 Q. The firemen who owned the  
 25 vehicle that the clutch was being put in,

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1 he would be the one that was responsible  
 2 for purchasing the replacement clutch,  
 3 correct?  
 4 A. Correct.  
 5 Q. Would you know who the make of  
 6 any of the replacement clutches that the  
 7 firemen would install in his own vehicle?  
 8 A. Yeah. I just gave you the name  
 9 of the clutch before, what was the name  
 10 of the clutch I gave you before? Well,  
 11 we used basically all the same clutches  
 12 from the store, the store on Hamilton  
 13 Avenue.  
 14 Q. And do you know the name of the  
 15 store?  
 16 A. No. In fact, I can't remember  
 17 it now. See, what was the name of the  
 18 clutch that I bought from that store,  
 19 what was the name of it, the clutch?  
 20 See, I forgot it already.  
 21 Q. I can't help you, sir.  
 22 A. I gave it to you before.  
 23 Q. I don't think so.  
 24 A. I gave you the name of the  
 25 clutch, yeah.

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1 Q. Well, the transcript will speak  
 2 for itself, okay?  
 3 A. Okay.  
 4 MR. FINLEY: How many more  
 5 questions do you have along this line?  
 6 MR. WARSTIAUR: I'm pretty much  
 7 finished, this is good time to take a  
 8 break.  
 9 Q. Sir, we're going to take a short  
 10 break now and we'll come back.  
 11 A. Okay.  
 12 (Whereupon, at 11:27 A.M., a short  
 13 recess was taken)  
 14 (Back on the record at 11:44 A.M.)  
 15 Q. Sir, we're back on the record  
 16 after a short break, are you able to  
 17 continue with your testimony?  
 18 A. Okay.  
 19 Q. You had told me that during our  
 20 previous session that you had  
 21 periodically used a Ford van to haul  
 22 around what you characterized as roofing  
 23 materials; is that correct?  
 24 A. Yes.  
 25 Q. Is this material that you used

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1 in connection with the work that you did  
 2 when you owned and operated Fred Brown  
 3 Painting?  
 4 A. Is that the same material?  
 5 Q. Well, you told me when you  
 6 operated your company which you called  
 7 Fred Brown Painting, --  
 8 A. Yeah.  
 9 Q. -- you had mentioned you did  
 10 work on residential homes in Manhattan  
 11 and in Brooklyn and in Queens and you  
 12 mentioned that you did painting work and  
 13 wallpaper work and paneling work at these  
 14 residential homes; --  
 15 A. Yeah.  
 16 Q. -- is that correct?  
 17 A. Right.  
 18 Q. Now, you just mentioned that  
 19 when you owned this Ford van, you used  
 20 the Ford van to carry around roofing  
 21 materials.  
 22 A. Used it for painting materials  
 23 and everything.  
 24 Q. Did you use it to carry around  
 25 roofing materials?

1 A. Yes, yes.  
2 (All defendants object)  
3 Q. You didn't mention doing any  
4 roofing work when you did the residential  
5 home work in Manhattan and Brooklyn and  
6 Queens.  
7 A. Well, I was a slow starter with  
8 the roofing.  
9 Q. You were a?  
10 A. Slow starter with the roofing  
11 work.  
12 Q. What does that mean?  
13 A. Newcomer, I was painting and  
14 doing wallpaper and whatever way before I  
15 was doing roofing material. Then the  
16 roofing material got too heavy.  
17 Q. What type of roofing work if any  
18 did you do when you were on those  
19 residential home projects?  
20 A. I used to do the flat roof which  
21 was the plane roofing material and then  
22 it had a 90 pound mineral surface on top  
23 of it that was -- and I did shingle  
24 roofs, they weigh 100 pounds and were  
25 10 x 10 square.

1 MR. BISHOP: Can I get read back  
2 when he's done?  
3 Q. Are you done with your answer,  
4 sir?  
5 A. Yes.  
6 (Whereupon, at this time, the  
7 requested portion was read back by the  
8 reporter)  
9 Q. Could you recall the address of  
10 any home that you worked on where you did  
11 roofing work?  
12 A. An address?  
13 Q. Yes.  
14 A. No, but I had plenty of them.  
15 Q. Can you recall the name or names  
16 of any customers on whose homes you did  
17 roofing work?  
18 A. I would have to make some phone  
19 calls.  
20 Q. Can you tell me the first year  
21 you would have done a roofing job on any  
22 of these homes?  
23 A. I could give you the address --  
24 not the address, I could give you the  
25 location.

1 Q. Where was the location?  
2 A. I know I did a few of them on  
3 Church Avenue.  
4 Q. Church Avenue where?  
5 A. Off of a few blocks --  
6 Q. What borough was that?  
7 A. In Brooklyn.  
8 Q. Anywhere else other than homes  
9 on Church Avenue?  
10 A. Church Avenue. Was it also  
11 Avenue U down there?  
12 Q. Avenue U?  
13 A. Yeah. And I think Church  
14 crosses Avenue U, I did a home there, 25  
15 years ago, you know.  
16 MR. FINLEY: To the best that you  
17 can remember.  
18 THE WITNESS: Pardon?  
19 MR. FINLEY: To the best that you  
20 can remember.  
21 Q. Can you tell me the decade you  
22 would have done this work?  
23 A. I got to get a starting point.  
24 Q. Yes.  
25 A. I don't know, I don't know right

1 now. I probably been out from doing the  
2 home jobs, probably been out about  
3 fifteen years, I haven't done any home  
4 work, home jobs I can't do anymore.  
5 Q. Well, fifteen years would put us  
6 back in 2002, were you still doing home  
7 renovation work back in 2002?  
8 A. Yeah, yeah, a little bit I  
9 guess.  
10 Q. You did home renovation work  
11 after you left the fire department?  
12 A. Oh, yeah. Well, not that long,  
13 mostly for friends and callbacks from  
14 over the years and I didn't even want to  
15 do them but I did them.  
16 Q. When would have been the first  
17 time you did any roofing work on any of  
18 these home renovation projects?  
19 A. I don't know when I cut it off.  
20 Q. And that would have been when?  
21 A. When I cut -- I got out in '89  
22 and...  
23 Q. Well, you got out in '89 but you  
24 just told me a minute ago you did some  
25 work after you left the fire department.

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1 A. Absolutely. '95, maybe 2000.  
 2 Q. So, you think the last time you  
 3 did any work on these residential home  
 4 projects would have been the late 90s to  
 5 perhaps about 2000?  
 6 A. I think that would have been  
 7 most of it.  
 8 Q. Did anyone ever assist you with  
 9 any of the roofing work?  
 10 A. Oh, yeah.  
 11 Q. Any of your children?  
 12 A. Yes.  
 13 Q. Which ones?  
 14 A. All three of them, I had two  
 15 sons and a daughter.  
 16 Q. I understand. All of them  
 17 assisted you with roofing work?  
 18 A. Yes, at one time. I lost one  
 19 son.  
 20 Q. I understand that. Did all  
 21 three of your children assist you with  
 22 roofing work?  
 23 A. Yes. Not so much the roofing  
 24 with my daughter, she did the delicate  
 25 work.

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1 Q. What tools would you use in  
 2 connection with these roofing projects?  
 3 A. Hook knives, hook knife,  
 4 sheetrock knife, hammers. In my day we  
 5 didn't use the air gun, we used  
 6 three-quarter nails where you bang them  
 7 in. We always used nails, much easier  
 8 than the air gun.  
 9 Q. Obviously this is all outdoor  
 10 work, correct?  
 11 A. Yeah.  
 12 Q. Do you know the make or  
 13 manufacturer of any of the roofing  
 14 materials you used during this period of  
 15 time?  
 16 A. We used to have all five to ten  
 17 brands. Bought them all on McDonald  
 18 Avenue.  
 19 Q. On where?  
 20 A. McDonald Avenue.  
 21 Q. This was a supplier on McDonald  
 22 Avenue?  
 23 A. Yeah. It's been there for 30  
 24 years.  
 25 Q. Do you remember the name of the

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1 supplier?  
 2 A. McDonald Roofing.  
 3 Q. What's the name of the  
 4 individual who owns McDonald Roofing?  
 5 A. I don't know if his father is  
 6 still alive anymore. Richie was there,  
 7 the father's son.  
 8 Q. Richie McDonald?  
 9 A. Yeah, that was his son. I'm  
 10 assuming he took over the business from  
 11 the father, his father must have passed  
 12 away.  
 13 Q. Do you know the make of any of  
 14 the materials you purchased in connection  
 15 with the roofing work that you performed  
 16 on these residential projects?  
 17 A. The flashing cement, come in 5  
 18 gallon tins.  
 19 MR. BISHOP: Can I get a read back  
 20 when he's done?  
 21 (Whereupon, at this time, the  
 22 requested portion was read back by the  
 23 reporter)  
 24 Q. Do you know the make or  
 25 manufacturer of any of the flashing

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1 cement that came in the 5 gallon tins?  
 2 A. McCormick -- no, I don't know.  
 3 Q. Do you know the make or  
 4 manufacturer of any of the roofing  
 5 shingles you used?  
 6 A. Used to have them all on the  
 7 back of my hand, I didn't have to worry  
 8 about the names, I just don't remember.  
 9 Q. Do you know the make or  
 10 manufacturer of any of the flat roofing  
 11 materials you used?  
 12 A. Jeez, I always used to call it  
 13 60 pound and 90 pound, flat roofing.  
 14 Sixty pound was just a tar covering and  
 15 90 pound was tarpaper with mineral  
 16 surface on top.  
 17 Q. Do you know the brand, trade or  
 18 manufacturer's name of any of the  
 19 tarpaper you used?  
 20 A. No. I knew them all, I don't  
 21 know them now.  
 22 MR. BISHOP: Can I get a read back  
 23 of that answer?  
 24 (Whereupon, at this time, the  
 25 requested portion was read back by the

1 reporter)  
 2 Q. Is there any other type of  
 3 residential renovation work that you  
 4 performed on those homes in Manhattan,  
 5 Brooklyn and Queens for Fred Brown  
 6 Painting that you haven't already told me  
 7 about?  
 8 A. Not that I remember, no.  
 9 Basically standard stuff, just painting  
 10 inside and wallpaper.  
 11 Q. You told me that. You told me  
 12 you did painting, you did wallpaper, you  
 13 did paneling and you just mentioned today  
 14 you did some roofing work.  
 15 A. Yeah, yeah. When you're taking  
 16 the wallpaper and sometimes you use water  
 17 to take it off. Sometimes you used razor  
 18 blades to take it off depending what kind  
 19 of paper it was.  
 20 Q. You used razor blades to remove  
 21 the wallpaper?  
 22 A. Yeah. That got dirty. Then you  
 23 had to sand the wall around there, all  
 24 the paper, the dried up paper would be  
 25 flying around.

1 Q. Why would you have to sand the  
 2 walls down?  
 3 A. Because it would leave it lumpy  
 4 on the wall, the sheetrock walls, you  
 5 need it all smooth, you can get it all  
 6 off. And if they had the metallic paper,  
 7 any little bump behind the metallic paper  
 8 would show up.  
 9 Q. So, you would sand the walls  
 10 down after you removed the paper?  
 11 A. Yeah. And it dried, let the  
 12 glue dry, strip down the wall, go back  
 13 the next day, do another room. Dry the  
 14 room, as it dries that's the way you  
 15 would sand it. You couldn't sand it when  
 16 it was wet.  
 17 Q. This is all work that you did  
 18 before you painted?  
 19 A. Yeah. Or home, remove the  
 20 wallpaper.  
 21 Q. Before you hung new wallpaper?  
 22 A. Yeah, both.  
 23 Q. So, either before you painted or  
 24 before you hung the new wallpaper?  
 25 A. Right.

1 Q. You had mentioned that in  
 2 connection with the Ford van that you  
 3 owned during that twelve year period of  
 4 time that you used to haul around  
 5 materials, --  
 6 A. Yes.  
 7 Q. -- you had done about 30 or so  
 8 brake jobs on that vehicle.  
 9 A. Yeah, the brake jobs, yeah.  
 10 Q. All of them done to the best of  
 11 your recollection outside of the  
 12 firehouse where you were working,  
 13 correct?  
 14 A. Right.  
 15 Q. Is there any other work that you  
 16 did in connection with the Ford van that  
 17 you owned during that twelve year period  
 18 of time other than the brake work that  
 19 you've already told me about --  
 20 A. Yeah.  
 21 Q. -- that you think may have  
 22 caused you to come into contact with an  
 23 asbestos-containing part or component?  
 24 Just focusing on the Ford van.  
 25 A. I don't think so, I think it was

1 all outside. Maybe a little bit with the  
 2 -- when I tried to tell you before,  
 3 cleaning out the drums.  
 4 Q. And you would use compressed air  
 5 and --  
 6 A. A stiff dry brush, you know, all  
 7 that stuff.  
 8 Q. And you would clean out the dust  
 9 and debris with the air hose?  
 10 A. Air hose, yeah.  
 11 Q. What would you use to clean out  
 12 the dust and debris?  
 13 A. Air hose and a dry -- an old  
 14 paintbrush.  
 15 Q. An old paintbrush?  
 16 A. It was stiff.  
 17 Q. And how long would that process  
 18 take you?  
 19 A. Not too bad, I changed -- I  
 20 would say two, three hours, all four  
 21 tires.  
 22 Q. Sir, have we now talked about  
 23 all the different ways you think you may  
 24 have come into contact with asbestos  
 25 throughout the course of your lifetime?

1 A. I guess, I think so. A lot of  
2 things I can't remember.  
3 Q. I understand that. Did there  
4 come a time either during your employment  
5 history or shortly after you retired that  
6 you first learned or heard about the  
7 potential health issues associated with  
8 the use of asbestos in products?  
9 A. There was a point in time when  
10 they were talking about it.  
11 Q. When was that?  
12 A. That's what I don't know. But I  
13 know about asbestos being dangerous.  
14 Q. You don't know when you learned  
15 or heard about the potential health  
16 issues about asbestos?  
17 A. No. I disregarded it like 9,000  
18 people on the street.  
19 Q. And why did you disregard it?  
20 A. Because nobody else stops  
21 smoking or anything like that.  
22 MR. FINLEY: He's not asking about  
23 smoking.  
24 Q. We're only talking about  
25 asbestos.

1 MR. FINLEY: When you learned  
2 asbestos was dangerous.  
3 A. Oh, oh. I was careful when I  
4 was working with it I thought, asbestos,  
5 I don't know. Some houses had asbestos  
6 shingle on it, used to break them, take  
7 all the broken ones and drill holes and  
8 shingles that fell off.  
9 Q. Have you ever been a regular or  
10 daily consumer of alcohol or alcoholic  
11 beverages?  
12 A. Yes.  
13 Q. Do you still drink alcohol?  
14 A. Yes. Even tonight.  
15 Q. What do you drink?  
16 A. Just beer.  
17 Q. Do you have a particular brand  
18 that you favor?  
19 A. Coors Light. I'm a, I'm a  
20 functional alcoholic.  
21 Q. How many beers a day do you  
22 normally drink?  
23 A. I would say about six.  
24 Q. About a six pack?  
25 A. (Nodding in the affirmative)

1 Q. Has that been fairly consistent  
2 throughout your adult lifetime?  
3 A. Yes. It's my reward for still  
4 being able to work.  
5 Q. How long have you consumed  
6 approximately a six pack of beer per day?  
7 A. Oh, I don't know, 20 years.  
8 Q. Were you consuming beer when you  
9 were a member of the FDNY?  
10 A. Yeah.  
11 Q. How about when you were in the  
12 service?  
13 A. Yeah. More than that, more than  
14 20 years.  
15 Q. Were you consuming beer when you  
16 were in high school?  
17 A. No.  
18 Q. So, you started shortly after  
19 you left high school?  
20 A. Yeah. Never drank when I was in  
21 high school.  
22 Q. You started shortly after you  
23 left high school?  
24 A. Yeah.  
25 Q. So, you would have started

1 drinking beer at about the time you  
2 started working for United Vari?  
3 A. Even after that I didn't drink,  
4 I drank three or four years after that.  
5 Q. Did you start right around the  
6 time you went into the air force?  
7 A. Yeah, about then.  
8 Q. And you continue to drink about  
9 a six pack of beer per day?  
10 A. Yeah.  
11 Q. Ever anything else, hard liquor,  
12 scotch?  
13 A. Oh, yeah, we used to go to the  
14 SCO club and I used to take a couple of  
15 hard liquors, I didn't like, I never  
16 liked that, Seagram 7 and stuff, but I  
17 couldn't handle it, so I quit it. Quit  
18 it very quick actually, this is not for  
19 me.  
20 Q. And you've consumed beer on a  
21 daily basis since that time?  
22 A. Yeah, I could control it.  
23 Q. Has any health care professional  
24 ever told you to cut back on your alcohol  
25 consumption?

1 A. No, not really.  
 2 Q. Have you ever been diagnosed  
 3 with any alcohol-related illness or  
 4 disease?  
 5 A. No.  
 6 Q. We're going to talk now about  
 7 your medical history, okay?  
 8 A. Okay.  
 9 Q. From the time you were born  
 10 until you graduated from high school in  
 11 around 1953 or so, were you ever  
 12 hospitalized for any reason?  
 13 A. No.  
 14 Q. Were you ever treated for any  
 15 ailments or illnesses as a child other  
 16 common variety type things like colds or  
 17 flu?  
 18 A. No.  
 19 Q. Did you have the polio vaccine  
 20 as a child, if you can remember?  
 21 A. I don't remember. Probably did.  
 22 Q. Between the time you graduated  
 23 high school up until you went into the  
 24 air force, were you ever hospitalized for  
 25 any reason?

1 A. No.  
 2 Q. Were you ever treated for any  
 3 ailments or illnesses other than common  
 4 variety type things like colds or flu?  
 5 A. No.  
 6 Q. I think you told me that when  
 7 you were in the service, you had a back  
 8 injury and you stayed in bed for a few  
 9 days --  
 10 A. Yeah.  
 11 Q. -- to get better. Nothing more  
 12 serious than that, correct?  
 13 A. Oh, yeah, I had back surgery.  
 14 Q. Well, when did you have the back  
 15 surgery?  
 16 A. After the service.  
 17 Q. While you were in the service,  
 18 were you ever treated for any ailments or  
 19 injury?  
 20 A. No, no. They just took that --  
 21 when they wanted a court martial because  
 22 I wouldn't...  
 23 Q. Because you wouldn't get out of  
 24 bed, you told me that yesterday.  
 25 A. I said go ahead, court martial

1 me, call the cops, I can't get out of  
 2 bed.  
 3 Q. Any other ailments or illnesses  
 4 while you were in the air force?  
 5 A. No, no, I never really got hurt.  
 6 Q. Was the back surgery the first  
 7 time you were hospitalized?  
 8 A. I think -- oh, when I got out?  
 9 Q. Yes. Was that the first time  
 10 you were hospitalized?  
 11 A. Oh, no, I got all kinds of  
 12 surgeries.  
 13 Q. What's the first surgery you can  
 14 recall having during your lifetime?  
 15 A. Total knee replacement.  
 16 Q. When was that?  
 17 A. I was going to go along with you  
 18 but now you want all the days, it's  
 19 tough.  
 20 Q. Well, you don't have to  
 21 necessarily give me the exact date, we  
 22 can get your medical records but if you  
 23 could give me an estimate of how old you  
 24 were or what decade it was, that would  
 25 help.

1 A. I think it was about fifteen  
 2 years ago, fourteen years ago.  
 3 Q. All right, that would place us  
 4 after 2000.  
 5 A. Okay.  
 6 Q. Were you ever hospitalized prior  
 7 to 2000?  
 8 A. I don't think so.  
 9 Q. You were never treated for any  
 10 ailments or illnesses that required a  
 11 hospitalization prior to 2000?  
 12 A. This is 2017?  
 13 Q. Yes. In other words, you worked  
 14 for the FDNY until 1989, correct?  
 15 A. Yes.  
 16 Q. You started in '62 approximately  
 17 and you left in '89.  
 18 A. Yeah.  
 19 Q. Were you ever hospitalized at  
 20 any time during the period you worked for  
 21 the FDNY?  
 22 A. No, I don't think so.  
 23 Q. Were you ever injured on the  
 24 job?  
 25 A. No.



1 Q. Were you ever treated for any  
2 ailments or illnesses during that period  
3 of time other than common variety type  
4 things like colds or flu?  
5 A. No. I got dragged out a few  
6 times because of smoke inhalation.  
7 Q. But nothing that required an  
8 extended hospitalization?  
9 A. No.  
10 Q. Did you have both knees replaced  
11 or just one?  
12 A. I had that (indicating).  
13 Q. Left knee?  
14 A. Left knee, that was a total  
15 replacement.  
16 Q. So, you had the left knee  
17 replacement.  
18 A. Yeah.  
19 Q. You had back surgery, correct?  
20 A. Yeah. I had arthroscopic  
21 surgery on my right knee.  
22 Q. So, you had a left knee  
23 replacement, you had arthroscopic surgery  
24 on your right knee.  
25 A. Yeah.

1 Q. You had back surgery, correct?  
2 A. Yes.  
3 Q. What other surgeries?  
4 A. That one's still a killer, the  
5 back surgery was slipped off -- my spine  
6 was slipping off my pelvis and I had a  
7 rod and screws and four or eight screws  
8 in there.  
9 Q. So, we have left knee  
10 replacement, arthroscopic surgery on the  
11 right knee, back surgery relating to your  
12 spine slipping off your pelvis. I think  
13 you told me previously you had carotid  
14 artery surgery, correct?  
15 A. Both of them cleaned out.  
16 Q. So, you had two surgeries?  
17 A. Yeah, two surgeries.  
18 Q. What other kind of surgeries did  
19 you have?  
20 A. I had lung cancer.  
21 Q. We'll get to that.  
22 A. Well, you should know about  
23 that.  
24 Q. Yes, we'll get to the lung  
25 cancer, I promise.

1 A. Okay.  
2 Q. Were you ever treated for any  
3 other types of cancer?  
4 A. I had so many surgeries.  
5 Q. Did you have prostate cancer?  
6 A. Yes.  
7 Q. Did you have surgery for the  
8 prostate surgery?  
9 A. I had seeds implanted.  
10 Q. You had radioactive seed  
11 implantation?  
12 A. Yes.  
13 Q. Any other type of cancer; skin  
14 cancer, melanoma, anything like that?  
15 A. No.  
16 Q. And I think I asked you this  
17 yesterday, you never had a heart attack?  
18 A. No, I never had a heart attack.  
19 Q. You did have a heart attack?  
20 A. No, I had a stroke.  
21 Q. I know you had a stroke, just  
22 once?  
23 A. Yeah, one stroke.  
24 Q. Okay, one stroke, no heart  
25 attacks?

1 A. No heart attack, there was the  
2 stroke.  
3 Q. Any other surgeries that you can  
4 recall?  
5 A. Oh, yeah, I got the hand surgery  
6 here (indicating).  
7 Q. Carpal tunnel?  
8 A. No. This was that thing with  
9 contraction -- see, I can't lift these  
10 two fingers up (indicating).  
11 Q. So, you had surgery on your  
12 hand?  
13 A. Yeah. It's a common disease  
14 getting surgery up to here (indicating),  
15 but it didn't work.  
16 MR. FINLEY: Plaintiff is  
17 indicating to a scar on his left hand.  
18 MR. WARSHAUER: On his left hand.  
19 Q. Has any doctor ever told you you  
20 suffer from a condition known as  
21 emphysema?  
22 A. No.  
23 Q. Have you ever been told you  
24 suffer from a condition known as COPD or  
25 chronic obstructive pulmonary disease?

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1 A. No.  
 2 Q. Have you ever been treated for  
 3 tuberculosis or TB?  
 4 A. No.  
 5 Q. Have you ever been treated for  
 6 pleurisy?  
 7 A. No.  
 8 Q. Have you ever been told you  
 9 suffer from asthma?  
 10 A. No.  
 11 Q. Have you ever been diagnosed or  
 12 treated for pneumonia?  
 13 A. No.  
 14 Q. Have you ever been diagnosed or  
 15 treated for a condition called chronic  
 16 bronchitis?  
 17 A. No.  
 18 Q. I already asked you, you never  
 19 had a heart attack, correct?  
 20 A. Right. Probably working my way  
 21 towards it.  
 22 MR. FINLEY: I think we can take a  
 23 break if you think you're going to have  
 24 a heart attack.  
 25 THE WITNESS: Not now.

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1 Q. Where did you have the left knee  
 2 replacement done?  
 3 A. Oh, hospital down off of  
 4 Atlantic Avenue.  
 5 Q. In Brooklyn?  
 6 A. Brooklyn near the Belt Parkway.  
 7 MR. FINLEY: Off the record.  
 8 (Discussion held off the record)  
 9 Q. You had your left knee replaced  
 10 at a hospital in Brooklyn down by the  
 11 Belt Parkway you said, correct?  
 12 A. Yes.  
 13 Q. You don't know the name of the  
 14 hospital?  
 15 A. Yeah, working on it.  
 16 Q. Is it SUNY Downstate or  
 17 Methodist Hospital or Mount Sinai in  
 18 Brooklyn?  
 19 A. Mounts Sinai? It's right by  
 20 Atlantic Avenue and the highway there in  
 21 Brooklyn.  
 22 Q. Not Coney Island Hospital?  
 23 A. Yes -- oh, no, Coney Island is  
 24 at the other end. By the Brooklyn  
 25 Battery Tunnel.

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1 Q. I'm not sure of the name of the  
 2 hospital but that's where you had the  
 3 surgery performed, correct?  
 4 A. Yeah.  
 5 Q. Do you remember the name of the  
 6 doctor that performed the surgery?  
 7 A. It's a three letter name, it's  
 8 an Indian name, I don't know.  
 9 MR. FINLEY: If you can't remember  
 10 they can get your medical records, so  
 11 just what you can remember.  
 12 THE WITNESS: Attached to my name  
 13 and it's eleven, twelve years ago.  
 14 Q. It wasn't Dr. Maheshwari, was  
 15 it?  
 16 A. Maheshwari.  
 17 Q. It wasn't that doctor.  
 18 A. Yeah, he did some work on me but  
 19 I don't know what he did.  
 20 Q. You also had arthroscopic  
 21 surgery on your right knee, correct?  
 22 A. Yes.  
 23 Q. Do you remember where that was  
 24 performed?  
 25 A. Same place I think.

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1 Q. Hospital in Brooklyn.  
 2 A. Yeah.  
 3 Q. Same surgeon?  
 4 A. No, it was a different one, I  
 5 don't know though.  
 6 Q. Do you remember when the left  
 7 knee replacement and the arthroscopic  
 8 surgery on your right knee was performed?  
 9 A. Probably about five years after  
 10 the other one.  
 11 Q. Which was first?  
 12 A. The left one.  
 13 Q. The left knee replacement was  
 14 first?  
 15 A. Yeah.  
 16 Q. And arthroscopic surgery was  
 17 about five years later?  
 18 A. Right.  
 19 Q. When was the back surgery  
 20 performed?  
 21 A. About five years ago.  
 22 Q. So, that would have been about  
 23 2012?  
 24 A. Yeah, I guess.  
 25 Q. Where did you have the back

1 surgery done?  
 2 A. Downstate.  
 3 Q. SUNY Downstate?  
 4 A. Yeah.  
 5 Q. Do you remember the name of the  
 6 doctor that performed the surgery?  
 7 A. Yoshiharra. Ten hours on the  
 8 table, so it was serious.  
 9 Q. Did you require any physical  
 10 therapy following the back surgery in  
 11 2012?  
 12 A. Oh, yeah.  
 13 Q. Where did you go for physical  
 14 therapy?  
 15 A. I think I went to Sands Point in  
 16 Rockaway.  
 17 Q. Were you admitted or did you go  
 18 on an outpatient basis?  
 19 A. No, in and out because it's  
 20 right next to my house.  
 21 Q. Have you just had the one back  
 22 surgery?  
 23 A. Yeah, I think so.  
 24 Q. You also mentioned you had two  
 25 carotid artery surgeries; is that

1 correct?  
 2 A. Yes.  
 3 Q. Both performed by Dr. Gwertzman?  
 4 A. Yes, I believe so, yeah.  
 5 Q. When was the first one  
 6 performed?  
 7 A. Oh, I don't know. I would say  
 8 -- I'm just guessing in the ballpark,  
 9 like a year ago, a year and a half ago.  
 10 Q. Where were you hospitalized?  
 11 A. Damn it, I need my daughter or  
 12 my wife.  
 13 Q. Again, it's what you remember  
 14 and if you don't remember, just tell me  
 15 you don't remember.  
 16 A. I can't remember.  
 17 Q. And you had two surgeries,  
 18 correct?  
 19 A. Yeah.  
 20 Q. How much time elapsed between  
 21 the first and second surgery?  
 22 A. On the carotid artery?  
 23 Q. Yes.  
 24 A. Oh, about six months I guess. I  
 25 had two friends die from that surgery.

1 Q. Do you remember how long ago you  
 2 were treated for prostate cancer?  
 3 A. After the knee probably about  
 4 five to six years ago.  
 5 Q. Do you remember the name of the  
 6 doctor that treated you for prostate  
 7 cancer?  
 8 A. Yeah, I don't know but it was at  
 9 Kings Highway Medical Center.  
 10 Q. So, Dr. Greenstein?  
 11 A. Yeah.  
 12 Q. And Dr. Greenstein performed the  
 13 radioactive seed implantation?  
 14 A. Yes.  
 15 Q. And where was that done?  
 16 A. In Kings Highway, I think it was  
 17 a little room.  
 18 Q. Was that a division of Mount  
 19 Sinai, 3201 Kings Highway in Brooklyn?  
 20 A. No, no. It was on Nostrand  
 21 Avenue in Brooklyn.  
 22 Q. How long ago did you have your  
 23 stroke?  
 24 A. Oh, I guess about four or five  
 25 months ago at least.

1 Q. So, 2017 and you were treated by  
 2 Dr. Ahmed?  
 3 A. Yeah, Dr. Ahmed.  
 4 Q. Where were you hospitalized  
 5 following your stroke?  
 6 A. I can't remember. I was only in  
 7 the hospital for one or two nights before  
 8 I was out.  
 9 Q. Do you remember where you were  
 10 hospitalized?  
 11 A. Can't remember.  
 12 Q. And you also had hand surgery on  
 13 your left hand, correct?  
 14 A. Yes.  
 15 Q. How long ago was that?  
 16 A. That was about two years ago.  
 17 That's annoying, worse than it was, never  
 18 worked out.  
 19 Q. Did you require any chemotherapy  
 20 following your diagnosis with prostate  
 21 cancer?  
 22 A. No.  
 23 Q. Just the seeds?  
 24 A. Just the seeds. And then the  
 25 seeds didn't do anything.

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1 Q. But they never took out your  
2 prostate?  
3 A. No.  
4 Q. You still have it.  
5 A. Yeah.  
6 Q. And also told me you were  
7 diagnosed with lung cancer, correct?  
8 A. Right.  
9 Q. When were you diagnosed with  
10 lung cancer?  
11 A. About two months ago, two  
12 months.  
13 Q. Do you remember the name of the  
14 doctor that diagnosed you with lung  
15 cancer?  
16 A. Yeah, it was right over here,  
17 Reyes.  
18 Q. It was Dr. Reyes?  
19 A. Reyes, yeah.  
20 Q. What were you experiencing just  
21 prior to your going to the doctor that  
22 led to the diagnosis; in other words,  
23 what were you feeling?  
24 A. Before I had, before I had the  
25 surgery, right?

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1 Q. Yes. What were you experiencing  
2 that led you to seek medical attention?  
3 A. I don't know, I don't know if it  
4 was hard breathing or what, I really  
5 don't know.  
6 Q. Did you get a CAT scan or a  
7 pulmonary function test?  
8 A. PTA?  
9 Q. PET scan, did you have a PET  
10 scan?  
11 A. PET; P-E-T, yeah.  
12 Q. Where did you have the PET scan?  
13 A. I don't know.  
14 Q. Is Dr. Reyes the doctor that  
15 told you you had lung cancer?  
16 A. Yes, I think so.  
17 Q. And he's a thoracic surgeon?  
18 A. He did the automatic surgery.  
19 Q. Did Dr. Reyes recommend surgery?  
20 A. I don't know.  
21 Q. You had surgery?  
22 A. Yeah.  
23 Q. Where did you have the surgery?  
24 A. I had so many of them in a three  
25 month period.

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1 Q. Do you remember where you had  
2 the surgery following the lung cancer  
3 diagnosis?  
4 A. Can't remember the hospital.  
5 It's locally, it's around here somewhere.  
6 Q. Was it on Long Island?  
7 A. What?  
8 Q. Was it on Long Island or was it  
9 in Brooklyn?  
10 A. One of those two but I don't  
11 know which one.  
12 MR. FINLEY: If you don't remember  
13 it's in your records, just to the best  
14 of your recollection.  
15 Q. Has any doctor ever told you you  
16 suffer from a condition known as  
17 asbestosis?  
18 A. No. Oh, a rhythm, a rhythm of  
19 the heart?  
20 Q. No. Did Dr. Reyes ever tell you  
21 that he thought your lung cancer was  
22 caused by cigarette smoking?  
23 A. No.  
24 Q. Did any doctor ever tell you  
25 that they thought your lung cancer was

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1 caused by cigarette smoking?  
2 A. No. Never got into a heavy  
3 conversation about my smoking.  
4 Q. Have you received any  
5 chemotherapy in relation to your lung  
6 cancer diagnosis?  
7 A. No.  
8 Q. Do you know what they did during  
9 the surgery?  
10 A. Yeah. They said they cut out a  
11 piece, a piece, a pieces, pieces, shaved  
12 a piece and they said they got it all,  
13 whatever it is they got it all.  
14 Q. Left side or the right side?  
15 A. I think the left side.  
16 Q. Have you undergone any radiation  
17 therapy following that surgery?  
18 A. No. They said everything was  
19 clean.  
20 Q. Dr. Michael Crismali, is he your  
21 family doctor?  
22 A. He was, he was but no more, he  
23 left about a month ago.  
24 Q. How long was Dr. Crismali your  
25 family doctor?

1 A. Oh, I would say about 20 years.  
 2 The new doctor is Tung; T-U-N-G.  
 3 Q. Dr. Tung?  
 4 A. Yeah.  
 5 Q. And he's been your family  
 6 doctor --  
 7 A. Yeah. For about --  
 8 Q. -- for the last few months?  
 9 A. Yeah, last couple of months.  
 10 Q. What sort of things did you see  
 11 Dr. Crismali for over the years?  
 12 A. That's 20 years, general  
 13 checkup, you know.  
 14 Q. General checkups every year?  
 15 A. Yeah. I never went to the  
 16 doctors much until these last four or  
 17 five years.  
 18 Q. Did you ever treat with a  
 19 Dr. Anthony Maniscalco?  
 20 A. Yeah, the name is familiar.  
 21 Q. Do you remember what you saw Dr.  
 22 Maniscalco for?  
 23 A. No, he was, he was like a  
 24 mystery doctor, I never seen him much, I  
 25 never seen him. I think I seen him for

1 about ten minutes three different times  
 2 and I never knew what he did.  
 3 Q. And you also treated with  
 4 Dr. Aditya Maheshwari?  
 5 A. Maheshwari, yeah.  
 6 Q. Do you remember what you saw  
 7 Dr. Maheshwari for?  
 8 A. No.  
 9 Q. Do you remember what kind of  
 10 doctor Dr. Maheshwari was?  
 11 A. No, but I remember seeing him.  
 12 Q. Who is your next doctor's  
 13 appointment scheduled with?  
 14 A. I don't know. I give that  
 15 authority over to my wife, she takes care  
 16 of the calendar because of my memory.  
 17 Q. Do you know when your next  
 18 doctor's appointment is?  
 19 A. Could be this week or next week.  
 20 Q. You don't know off the top of  
 21 your head?  
 22 A. No.  
 23 Q. Did you ever file a Workers'  
 24 Compensation claim at any time during  
 25 your working lifetime?

1 A. No.  
 2 Q. You mentioned as your sources of  
 3 income pension and Social Security; is  
 4 that correct?  
 5 A. Yes.  
 6 Q. Do you have any other source of  
 7 monthly income?  
 8 A. No.  
 9 Q. Your wife gets Social Security  
 10 also; is that correct?  
 11 A. Yes.  
 12 Q. Does she have any other source  
 13 of monthly income?  
 14 A. No.  
 15 Q. Is anyone other than your wife  
 16 and partially your son Douglas in any way  
 17 financially dependent upon you for  
 18 support, anybody else?  
 19 A. My son gets -- loses his jobs  
 20 very easily.  
 21 Q. Well, you told me occasionally  
 22 you give some support to Douglas.  
 23 A. Right.  
 24 Q. Other than your wife and  
 25 Douglas, anyone else financially

1 dependent upon you for support?  
 2 A. No.  
 3 Q. Are you Medicare eligible, do  
 4 you receive Medicare?  
 5 A. I don't know.  
 6 Q. You don't know?  
 7 A. I do.  
 8 Q. That's what I'm asking.  
 9 A. Oh, I thought you meant my wife.  
 10 Q. No, you.  
 11 A. Yes.  
 12 Q. Do you have a supplement as  
 13 well?  
 14 A. Yes.  
 15 Q. Who is the supplement with?  
 16 A. GHI.  
 17 Q. Where do you get your  
 18 prescriptions for medication filled?  
 19 A. Hannas Drugstore.  
 20 Q. Hannas?  
 21 A. H-A-N-N-A-S.  
 22 Q. Where is Hannas Drugstore?  
 23 A. Rockaway Beach Boulevard.  
 24 Q. Have you spent any of your own  
 25 money out-of-pocket for treatment for

1 your current illness?  
 2 A. Which one is that?  
 3 Q. For your lung cancer condition  
 4 have you spent any of your own money --  
 5 A. No.  
 6 Q. -- out of your own pocket?  
 7 A. Not that I know of.  
 8 Q. How was your health when you  
 9 retired from the fire department in 1989?  
 10 A. Great.  
 11 Q. When did your health start to  
 12 deteriorate?  
 13 A. Right after I retired but  
 14 slowly. I had 25 years of retirement, so  
 15 I can't complain.  
 16 Q. And gradually things began to  
 17 crop up like your knee needed to be  
 18 replaced and you had the arthroscopic  
 19 surgery on your right knee, correct?  
 20 A. Yeah. My left knee was...  
 21 Q. Your left knee needed to be  
 22 replaced and --  
 23 A. Getting weaker. I'm waiting  
 24 whether it's going to be my knee to go  
 25 first or me to go first.

1 Q. To your knowledge has anyone  
 2 filed any claims on your behalf to any  
 3 bankrupt entities or bankruptcy trusts  
 4 alleging an asbestos-related illness?  
 5 A. No, not that I know of.  
 6 Q. Not that you know of, okay.  
 7 MR. WARSHAUER: Is that correct;  
 8 no bankruptcy trusts filing to date?  
 9 MR. FINLEY: Correct. I don't  
 10 know if you're moving on to another  
 11 topic but it's 12:30 --  
 12 MR. WARSHAUER: Yes, I would say  
 13 now is a pretty good time to break.  
 14 MR. FINLEY: Let's take an hour.  
 15 (Whereupon, at 12:33 P.M., a lunch  
 16 recess was taken)  
 17 (Back on the record at 1:53 P.M.)  
 18 Q. Back on the record after a break  
 19 for lunch, are you able to continue with  
 20 your testimony, sir?  
 21 A. Sure.  
 22 Q. Do you recall the name of the  
 23 pipe tobacco you used when you were  
 24 smoking a pipe?  
 25 A. I only smoked it for five years

1 and I can't remember.  
 2 Q. But you used about eight to ten  
 3 bowls per day --  
 4 A. Yeah.  
 5 Q. -- to the best of your  
 6 recollection?  
 7 A. Yeah.  
 8 Q. You retired from the FDNY around  
 9 1989, right?  
 10 A. Yes.  
 11 Q. And this retirement was  
 12 voluntary although you started to get a  
 13 little slower as far as being able to do  
 14 the work as a fireman, correct?  
 15 A. Yes. Well, I had my 20 years in  
 16 and a couple of bad fires and I quit, I  
 17 retired.  
 18 Q. Following your retirement when  
 19 did you first start to notice your  
 20 overall level of activity start to slow  
 21 down?  
 22 A. From retirement --  
 23 Q. From the time you left the fire  
 24 department.  
 25 A. Oh, about ten years.

1 Q. So, about the late 90s?  
 2 A. Yeah.  
 3 Q. What did you begin to experience  
 4 in the late 90s?  
 5 A. Getting harder to work and  
 6 getting up in the morning and doing a  
 7 full day's work and in the late 90s I was  
 8 in my seventies, in my seventies.  
 9 Q. Well, you weren't in your  
 10 seventies, you were about 60, 63, 64.  
 11 A. Oh, okay, yeah. But probably  
 12 when it started to bother me.  
 13 Q. What did you attribute that  
 14 change in your health condition to at the  
 15 time?  
 16 A. My energy I guess.  
 17 Q. Was there any particular  
 18 condition or health-related condition  
 19 that you attributed your lowering of your  
 20 overall level of activity to at that  
 21 time?  
 22 A. At the end strangely enough we  
 23 caught -- like three guys working, the  
 24 same group, and we caught three bad fires  
 25 in three weeks and we were all around the

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1 same age and we were sitting out on the  
 2 sidewalk and we looked at each other and  
 3 it was a summer night and tanks on our  
 4 back and we're all exhausted, sweat  
 5 dripping and we said it's time, got to  
 6 get out.  
 7 Q. You think it was just from the  
 8 demands or rigors or working for the fire  
 9 department?  
 10 A. Well, we had plenty of time, we  
 11 had all our time in.  
 12 Q. Do you think that it was due to  
 13 the demands or rigors of all those years  
 14 you spent working as a fireman?  
 15 A. Probably an accumulation.  
 16 Q. How has your overall health  
 17 condition changed since you suffered your  
 18 stroke?  
 19 A. It's going down pretty rapidly.  
 20 Q. What have you noticed has  
 21 changed since you had your stroke?  
 22 A. My walk, my gait, my steps,  
 23 everything. I walk pathetically but I've  
 24 started to come along too.  
 25 Q. You noticed that before, even

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1 before the stroke?  
 2 A. Yeah, yeah. So, I didn't know  
 3 it was really a stroke until I got out of  
 4 there. All of the volunteer fire  
 5 department are very aware of the elderly  
 6 community.  
 7 Q. Are you a member of the  
 8 volunteer fire department?  
 9 A. Oh, no, no, no. Too old.  
 10 Q. Have you been told by a doctor  
 11 to limit your overall activity levels  
 12 since the stroke?  
 13 A. No. I was always very active, I  
 14 went to the gym three days a week. I  
 15 used to run three or four days a week,  
 16 average 10 to 12 miles every day.  
 17 Q. You used to run 10 or 12 miles a  
 18 day?  
 19 A. Yeah. Not seven days a week,  
 20 three or four days a week.  
 21 Q. And you haven't been able to do  
 22 that since the stroke?  
 23 A. No.  
 24 Q. When did you stop running that  
 25 much?

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1 A. Oh, that was quite a while ago,  
 2 I think about five years, at least five  
 3 years.  
 4 Q. So, you haven't been able to do  
 5 that at any time over the last five  
 6 years?  
 7 A. No, no.  
 8 Q. Did you ever work around any  
 9 welders when you were working at the navy  
 10 yard?  
 11 A. Yeah.  
 12 Q. Do you think you were exposed to  
 13 welding smoke or fumes?  
 14 A. Yeah. They were teaching me how  
 15 to weld because -- I wasn't supposed to  
 16 weld but I used to weld every day.  
 17 Q. Did you use welding rods?  
 18 A. Welding rods, yes.  
 19 Q. Do you think any of the wedding  
 20 rods you used contained asbestos?  
 21 A. I don't know.  
 22 Q. Do you know who made any of the  
 23 welding rods you used?  
 24 A. No. I used to use welding rods  
 25 for aluminum, special type of rod.

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1 Q. Do you know who made those?  
 2 A. No. But I know who -- they made  
 3 an inner cast that went all around the  
 4 rod and was coming out burning.  
 5 Q. And did you do that work when  
 6 you were at the navy yard?  
 7 A. Yeah, when I was a sheet metal  
 8 worker. He'd do something for me and I'd  
 9 do something for him.  
 10 Q. Did you do any welding at United  
 11 Vari?  
 12 A. No.  
 13 Q. Just when you were working at  
 14 the navy yard?  
 15 A. Right. Soldering, I did  
 16 soldering at the navy yard.  
 17 Q. You did soldering too?  
 18 A. Yeah. Sometimes I soldered for,  
 19 you know.  
 20 Q. Did you breathe in fumes when  
 21 you were doing soldering as well?  
 22 A. I'm sure I did, yeah.  
 23 Q. Did you ever wear any protective  
 24 equipment when you were doing welding or  
 25 soldering?

1 A. Yeah, I used a mask.  
 2 Q. How about gloves?  
 3 A. Yeah, I used gloves, yeah.  
 4 Q. Did you use gloves when you were  
 5 welding?  
 6 A. Yeah.  
 7 Q. Do you know whether those gloves  
 8 contained asbestos?  
 9 A. No, I don't.  
 10 Q. Do you know who made them?  
 11 A. No. I just wore them.  
 12 Q. Other than the left knee  
 13 replacement, the arthroscopic surgery on  
 14 your right knee, the back surgery, the  
 15 two carotid artery surgeries, the  
 16 radioactive seed implantation following  
 17 your prostate cancer diagnosis, your hand  
 18 surgery and the surgery you had on your  
 19 lung following your lung cancer  
 20 diagnosis, have you ever had any other  
 21 surgeries during your lifetime that you  
 22 can presently recall?  
 23 A. I had surgery on my arm  
 24 (indicating).  
 25 Q. Indicating your left arm?

1 A. Yeah.  
 2 Q. Why did you have surgery on your  
 3 left arm?  
 4 A. I tripped on the stairs and I  
 5 broke off the tendon going from my elbow  
 6 to my shoulders.  
 7 Q. How long ago did you do that?  
 8 A. Oh, that was quite a while,  
 9 about fifteen years ago. I couldn't hold  
 10 my arm up, it would fall down.  
 11 Q. Where did you have that surgery  
 12 performed?  
 13 A. I don't know.  
 14 Q. Do you remember the name of the  
 15 doctor that performed that surgery?  
 16 A. I always put my arm and this  
 17 tendon was broke, it's all messed up.  
 18 Q. Do you have any limitation in  
 19 the mobility of your left arm?  
 20 A. Not really, it's not bad, it  
 21 just falls down. It would fall down when  
 22 I didn't have the surgery. I forgot  
 23 all --  
 24 Q. You lost some strength in your  
 25 left arm?

1 A. Not a lot.  
 2 Q. How long were you hospitalized  
 3 following that surgery?  
 4 A. Oh, only about a week.  
 5 Q. Any other surgeries that you can  
 6 recall?  
 7 A. No, I think that's enough.  
 8 Probably dig up a few more if you want.  
 9 Q. Just what you recall. Nothing  
 10 else you can recall?  
 11 A. No.  
 12 MR. FINLEY: Just what you  
 13 remember.  
 14 A. No.  
 15 Q. Do you derive any monthly income  
 16 from any other investment sources from  
 17 stocks or bonds or annuities or anything  
 18 like that?  
 19 A. No.  
 20 Q. Have you ever been a member of  
 21 any other union other than the UFA when  
 22 you were a member of the New York City  
 23 Fire Department?  
 24 A. Yeah, it was literally a sheet  
 25 metal union there that I got on.

1 Q. Right but you said that wasn't  
 2 really a union.  
 3 A. No, it wasn't, it was a fugazi  
 4 one.  
 5 Q. It wasn't an official union.  
 6 A. No. It was heavy hitters, just  
 7 collect the money, you know.  
 8 Q. You didn't go to any meetings  
 9 other than --  
 10 A. No.  
 11 Q. -- them hitting you up for  
 12 money?  
 13 A. But we had to, otherwise we get  
 14 strong armed.  
 15 Q. You told me earlier you were  
 16 familiar with the name Johns-Manville,  
 17 with what do you associate that name?  
 18 A. Johns-Manville?  
 19 Q. Johns-Manville.  
 20 A. It's insulation.  
 21 Q. Do you think you ever worked  
 22 either directly with or around any  
 23 insulation products manufactured by  
 24 Johns-Manville over the course of your  
 25 career?



1 A. Oh, yeah, I'm quite sure.  
 2 Q. And you think that contributed  
 3 to your overall exposure to asbestos?  
 4 A. I guess so. Johns-Manville was  
 5 very popular.  
 6 Q. Are you familiar with a company  
 7 or entity known as Babcock and Wilcox?  
 8 A. No.  
 9 Q. Are you familiar with a company  
 10 or entity known as Combustion  
 11 Engineering?  
 12 A. No.  
 13 Q. Are you familiar with a company  
 14 or entity known as Harbison Walker?  
 15 A. No.  
 16 Q. How about NARCO or North  
 17 American Refractories?  
 18 A. Neither, neither.  
 19 MR. FINLEY: What was that?  
 20 A. Neither one.  
 21 MR. WARSHAUER: Sir, I'm going to  
 22 look over all my notes, those are all  
 23 the questions I have for you right now.  
 24 I may have some additional questions for  
 25 you a little later on after your

1 attorney asks you some questions.  
 2 THE WITNESS: Don't knock yourself  
 3 out.  
 4 MR. WARSHAUER: I'll try not to.  
 5 I'm going to step aside now and see if  
 6 some of the other attorneys in this room  
 7 have some additional questions --  
 8 THE WITNESS: All right.  
 9 MR. WARSHAUER: -- for you. I  
 10 thank you very much for your time over  
 11 the last two days.  
 12 THE WITNESS: Thank you.  
 13 MR. FINLEY: Anybody in the room?  
 14 MR. LARANCIENT: Yes, I have some  
 15 questions.  
 16 CROSS-EXAMINATION  
 17 BY MR. LARANCIENT:  
 18 Q. Good afternoon, Mr. Brown. My  
 19 name is Illianov Lopez Larancient, I'm  
 20 with the firm of Aaronson, Rappaport,  
 21 Feinstein and Deutsch.  
 22 I'm going to be asking you some  
 23 follow-up questions regarding some of the  
 24 automotive work that you did while you  
 25 were in the fire department.

1 The same rules apply. If you --  
 2 A. Yeah.  
 3 Q. I'm just going to ask you to let  
 4 me finish my questions before you give me  
 5 your answers. If you don't understand  
 6 anything that -- some of my questions,  
 7 just let me know, I will try to rephrase  
 8 them.  
 9 A. Okay.  
 10 Q. Thank you.  
 11 A. Where are you from, Weitz and  
 12 Luxenberg?  
 13 Q. Aaronson, Rappaport, Feinstein  
 14 and Deutsch.  
 15 MR. FINLEY: I'm Weitz and  
 16 Luxenberg.  
 17 THE WITNESS: Oh, that's right.  
 18 MR. FINLEY: Your lawyers.  
 19 Q. Mr. Brown, you testified that  
 20 you were -- while you were a firefighter,  
 21 you were pulled out of several fires for  
 22 smoke inhalation; is that correct?  
 23 A. Yeah, yeah.  
 24 Q. How many times did that occur?  
 25 A. I would say roughly three times

1 at least. They pull that -- sometimes  
 2 you throw up before you get pulled out,  
 3 sometimes you just throw up and walk out.  
 4 Q. On those three occasions that  
 5 that happened, how many times -- were you  
 6 unconscious during any of these times?  
 7 A. No, no.  
 8 Q. How many times did you throw up?  
 9 A. Overall, then I went back and  
 10 fought the fire.  
 11 Q. After you were pulled up, did  
 12 you ever have to go to an infirmary or a  
 13 clinic --  
 14 A. No.  
 15 Q. -- to get treatment?  
 16 A. No. I didn't pass out or  
 17 anything but I got -- just fed smoke, it  
 18 happens that you throw up.  
 19 Q. So, during the time that you had  
 20 smoke inhalation, you were inhaling the  
 21 smoke from the fire into your lungs,  
 22 correct?  
 23 A. Yeah.  
 24 Q. Were you wearing a mask?  
 25 A. Not at that time.

1 Q. During your career did you wear  
2 a mask when you were fighting fires?  
3 A. Oh, yeah.  
4 Q. Did you always wear a mask?  
5 A. Yeah. Well, not all the time,  
6 no, no. A lot of times when we were  
7 first, we didn't take the time to put on  
8 a mask, we just ran in and the second we  
9 realized, we put on a mask.  
10 Q. So, how often would you say that  
11 you would go into a fire without wearing  
12 a mask?  
13 A. Pretty often, pretty often.  
14 First engine company would go in without  
15 the mask and that would happen with every  
16 alarm. And we'd get the oil burner  
17 fires, oil ignition where there was no  
18 fire but smoke, only smoke down there.  
19 Q. At any time during your career  
20 when you were fighting these fires, did  
21 you ever have to break down walls or  
22 ceilings?  
23 A. Yeah.  
24 Q. How many times did that occur?  
25 A. I don't know. I remember

1 breaking down a wall on Flatbush Avenue,  
2 Atlantic Avenue. It was an A&P or a  
3 supermarket, it was built over a prison  
4 down in Red Hook, the wall was 8 feet  
5 thick.  
6 Q. And what tool did you use to  
7 break that wall down?  
8 A. A sledge and we had four men on  
9 the other side that we had to get out, we  
10 lost three of them I think.  
11 Q. Do you remember what decade you  
12 did that?  
13 A. Oh, that was very early in my  
14 career.  
15 Q. So, it would have been the early  
16 60s?  
17 A. Early 60s or 70s.  
18 Q. Now, fair to say that that  
19 building was an older building?  
20 A. Well, it was like I said on  
21 Flatbush Avenue and closer to the water  
22 and it was built, it was built over --  
23 the A&P supermarket, it was built over a  
24 prison. And, you know, that's what  
25 happened, all the big machinery,

1 refrigerator and everything, after the  
2 fire is burning on and you couldn't find  
3 the fire, after the fire was burning  
4 underneath, the weight finally got to the  
5 floor and fell through the floor so it  
6 took three or four firefighters.  
7 Q. I want to ask you some questions  
8 about your testimony regarding the Ford  
9 van that you had while you were at the  
10 fire department.  
11 A. The Ford van?  
12 Q. Yes, the Ford van. You owned a  
13 Ford van while you --  
14 A. Oh, the Ford van, yes.  
15 Q. Now, you testified that you  
16 performed about 30 brake jobs on this  
17 van?  
18 A. Yeah.  
19 Q. And that was over a period of  
20 twelve years that you --  
21 A. Probably, yeah.  
22 Q. So, you were performing two to  
23 three brake jobs per year on this van?  
24 A. Yeah.  
25 Q. Is there any reason why you were

1 performing so many brake jobs on that  
2 van?  
3 A. I was heavy on the brake pedal  
4 and the weights I carried were average  
5 2,000 pounds, maybe more. And going from  
6 the job to the buildings where we would  
7 put on the roof, you know, it was tough  
8 going up hills and down, tough on the  
9 brakes. The van I had was a standard  
10 clutch and I used to use that to help  
11 brake.  
12 Q. Now, on those two to three brake  
13 jobs that you were doing on that van per  
14 year, were you sometimes just replacing  
15 the front or rear brakes or did you  
16 always replace all four brakes?  
17 A. All four brakes. If the ones  
18 were bad, I pull off the drum and I look  
19 at it and if it was thin, you know, no  
20 ribbon showing or anything, I would put  
21 it back.  
22 Q. And this Ford van had drum  
23 brakes in the front and in the rear?  
24 A. Yeah.  
25 Q. Now, you purchased this van,

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1 when you first purchased it it was a used  
 2 van, correct?  
 3 A. Yes.  
 4 Q. The very first time you  
 5 performed a brake job on that van, were  
 6 you able to tell what the manufacturer of  
 7 the brakes that you were removing?  
 8 A. No, I don't think, I don't think  
 9 I could tell what it was.  
 10 Q. And did you always use Bendix  
 11 replacement brakes?  
 12 A. Yeah, usually.  
 13 Q. When you say usually did you use  
 14 any other brakes?  
 15 A. Well, because it was disk  
 16 brakes, we'd go to automotive stores and  
 17 we would easily get them. Go to one  
 18 automotive store right off Hamilton  
 19 Avenue and ask for Bendix. If I had to  
 20 wait a day, I'd wait a day, I always  
 21 liked to keep the same brakes.  
 22 Q. I just want to clarify. You  
 23 said that you usually used Bendix.  
 24 A. Yeah.  
 25 Q. Did you usually or always use

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1 Bendix?  
 2 A. I would say -- well, I was at  
 3 the same firehouse all the time and I  
 4 bought my stuff at the same store. I  
 5 always used it, I always know that always  
 6 or never what should be used or should  
 7 not be used.  
 8 Q. So, if the store where you used  
 9 to go and buy the Bendix brakes, if they  
 10 didn't have them available what other  
 11 manufacturer of brakes would you use?  
 12 A. Well, I could wait. I don't  
 13 know if you know Red Hook but there's a  
 14 lot of automotive stores out there, you  
 15 could always get them, so I'd go to the  
 16 next store. I never had trouble getting  
 17 Bendix brakes.  
 18 Q. Now, Mr. Brown, you also  
 19 testified that you also performed clutch  
 20 jobs on this Ford van, correct?  
 21 A. Yeah.  
 22 Q. Can you give me an estimate of  
 23 how many times you performed a clutch  
 24 job?  
 25 A. Not all that much, not clutch --

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1 what's the other thing I was working on?  
 2 Q. You were just talking about  
 3 brakes.  
 4 A. Yeah.  
 5 Q. Which you said you performed two  
 6 to three times per year.  
 7 A. We're talking about clutch or  
 8 brakes?  
 9 Q. Now for the clutches do you know  
 10 how many times you performed those over  
 11 the twelve year period that you had that  
 12 van?  
 13 A. Oh, I didn't do as many clutches  
 14 as I did brakes.  
 15 Q. Did you do a clutch job once  
 16 every couple of years?  
 17 MR. WARSIAUER: Objection.  
 18 A. Oh, yeah, easy. The clutch used  
 19 to go on that too. He had a hard time  
 20 getting -- I don't know what kind of  
 21 clutch he used but I had to go to a  
 22 special place to buy the clutch plate.  
 23 Q. Where did you go and purchase --  
 24 where did you purchase your clutch parts?  
 25 A. I don't know, there was a place

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1 on 86th Street.  
 2 Q. Do you recall the name of the  
 3 store, --  
 4 A. No.  
 5 Q. -- of the parts store?  
 6 A. No. That was quite a while ago  
 7 now.  
 8 Q. So, you don't recall any -- the  
 9 manufacturer of the clutches that you  
 10 installed?  
 11 A. No, no.  
 12 Q. I want to move on to the brake  
 13 jobs that you performed or assisted with  
 14 for your fellow firefighters.  
 15 A. I think it was a double name  
 16 clutch, two names they had. I can't,  
 17 can't see what was on it.  
 18 Q. I want to move on to the brake  
 19 jobs you performed on vehicles belonging  
 20 to your fellow firefighters. Now, for  
 21 the brake jobs that you performed on  
 22 those vehicles that belonged to your  
 23 fellow firefighters, you weren't able to  
 24 tell if the brake, the manufacturer of  
 25 the brake that you were removing,

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1 correct?

2 A. No, not really. I don't know if

3 I -- I don't remember if I could see on

4 the brake pad, the name of it, I don't

5 know.

6 Q. Now, what about for the brake

7 jobs that other firefighters around you

8 were performing, were you able to tell

9 what brake, what manufacturer of brakes

10 they were removing?

11 A. Oh, no, I don't know.

12 Q. Fair to say that you also don't

13 know the manufacturer of the brakes that

14 the other firefighters around you were

15 installing?

16 A. No, I guess not. They were in

17 the same neighborhood as the firehouse

18 though.

19 Q. Now, I'm referring to the -- you

20 said in the firehouse there would be

21 other firefighters performing automotive

22 repair work around you, correct?

23 A. Not in the firehouse, in an

24 alley.

25 Q. In an alley, was that next to

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1 the firehouse?

2 A. Yeah.

3 Q. Now, would you be around other

4 firefighters as they would be doing brake

5 jobs?

6 A. Yeah, I guess so, yeah, yeah.

7 Q. But you're not able to tell the

8 manufacturer of the brakes --

9 A. No.

10 Q. -- that they were putting in?

11 A. No. But I presumed that they

12 were Bendix because we always went to the

13 same store with the one rig.

14 Q. But you don't know that,

15 correct?

16 A. No. I mean, I used to go to the

17 store with them and everything, buy the

18 parts. I don't know if I physically seen

19 the Bendix brake come in, go out.

20 Q. Now, you testified that you also

21 helped your fellow firefighters with

22 clutch jobs, correct?

23 A. Yes.

24 Q. Can you give me an estimate of

25 how many times you helped your fellow

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1 firefighters with clutch jobs?

2 MR. WARSHAUER: Objection, asked

3 and answered.

4 A. I don't know. You can go over,

5 help them put on one or two nuts, it

6 would take ten minutes, that's all they

7 needed to get on the drum. It's all

8 various times.

9 Q. Did the portion of what you did,

10 did that include removing the clutch?

11 A. Sometimes.

12 Q. On those occasions where you

13 helped your fellow firefighters remove a

14 clutch, were you able to tell the make,

15 brand or manufacturer of the clutch?

16 MR. WARSHAUER: Objection, asked

17 and answered.

18 A. The clutch would be removed and

19 I wouldn't see what it was because he

20 took it out.

21 MR. LARANCIENT: Mr. Brown, thank

22 you. Those are all the questions I have

23 for now. I'm going to review my notes

24 but for now those are all the ones I

25 have. Thank you.

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1 THE WITNESS: I have more if you

2 want.

3 MR. LARANCIENT: Thank you.

4 MR. FINLEY: Does anybody else in

5 the room have questions?

6 (No verbal response given)

7 MR. FINLEY: Does anybody on the

8 phone have any questions?

9 (No verbal response given)

10 MR. FINLEY: Why don't we take

11 five minutes, I'm going to check in with

12 him and figure out what we're doing.

13 (Whereupon, at 2:21 P.M., a short

14 recess was taken)

15 (Back on the record at 2:34 P.M.)

16 MR. FINLEY: This is plaintiff's

17 counsel, Patrick Finley. It is

18 approximately 2:34. After speaking with

19 my client he is unable to continue

20 testifying today. We are going to

21 adjourn for the afternoon and will be

22 back at 10:00 A.M. tomorrow. Thank you.

23 (Whereupon, at 2:34 P.M., the

24 examination of this witness was

25 adjourned.)

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1 WITNESS CERTIFICATION

2

3

4 I have read the foregoing transcript of

5 my testimony and find it to be true and

6 accurate to the best of my knowledge and

7 belief.

8

9

10 FREDERICK G. BROWN

11

12

13 Subscribed and sworn to

14 before me on this

15 day of \_\_\_\_\_ 2017.

16

17 Notary Public \_\_\_\_\_

18

19

20 \* \* \*

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1 INDEX TO TESTIMONY

2

3 EXAMINATION BY PAGE LINE

4 Continued Direct Examination 163 8

5 by Mr. Warshauer

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1 CERTIFICATION

2

3 I, CHERYL F. SOLOMON, a Stenotype

4 Shorthand Reporter and Notary Public within

5 and for the State of New York, do hereby

6 certify that the within Continued

7 Examination Before Trial of FREDERICK G.

8 BROWN was held before me and I faithfully

9 and impartially recorded stenographically

10 the questions, answers and colloquy.

11 I further certify that after said

12 examination was recorded stenographically by

13 me, it was reduced to typewriting under my

14 supervision, and I hereby submit that the

15 within contents of said examination are true

16 and accurate to the best of my ability.

17 I further certify that I am not a

18 relative of nor an attorney for any of

19 the parties connected with the aforesaid

20 examination, nor otherwise interested in

21 the testimony of the witness.

22

23

24 CHERYL F. SOLOMON

25

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1 ERRATA SHEET

2 Priority-One Court Reporting/Verdict

3 718-983-1234

4 ASSIGNMENT NO P1 2744596

5 CASE NAME: Brown, Frederick v. Asbestos

6 DATE OF DEPOSITION: 12/20/2017

7 WITNESS NAME: Frederick G Brown

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21 Frederick G Brown

22 (Notary not required in California)

23 SUBSCRIBED AND SWORN TO

24 BEFORE ME THIS DAY

25 OF \_\_\_\_\_, 2018

26

27 NOTARY PUBLIC

28 MY COMMISSION EXPIRES

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1 SUPREME COURT

2 ALL COUNTIES WITHIN THE CITY OF NEW YORK

3  
4 IN RE: NEW YORK CITY ASBESTOS LITIGATION

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7  
8 DEPOSITION UNDER ORAL

9 EXAMINATION OF

10 FREDERICK G. BROWN

11 (VOLUME III)

12  
13  
14  
15 This Document Applies To:

16 FREDERICK G. BROWN

17 INDEX NO.: 190195-17

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19  
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21  
22 PRIORITY ONE COURT REPORTING SERVICES, INC.

23 290 West Mt. Pleasant Ave, Suite 2260

24 Livingston, New Jersey 07039

25 (718) 983-1234

1 Transcript of the deposition of  
2 the Plaintiff called for Oral Examination  
3 in the above-captioned matter, said  
4 deposition being taken pursuant to  
5 Federal Rules of Civil Procedure by and  
6 before CHERYL F. SOLOMON, a Notary Public  
7 and Shorthand Reporter, at the Hampton  
8 Inn, One North Avenue, Garden City, New  
9 York, on Thursday, December 21, 2017,  
10 commencing at approximately 10:23 in the  
11 forenoon.

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25 Job No. 2780313

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PRIORITY ONE REPORTING (718) 983-1234

<p style="text-align: right;">Page 309</p> <p>1 McELROY, DEUTSCH, MULVANEY &amp; CARPENTER, LLP  Attorneys for Defendant Eaton  2 1300 Mount Kemble Avenue  Morristown, New Jersey 07962-2075  3 BY: DENISE D. HARRIS, ESQ.  4  5  6  7  8  9  10  11  12  13  14  15  16  17  18  19  20  21  22  23  24  25</p>	<p style="text-align: right;">Page 311</p> <p>1 FREDERICK G. BROWN,  2 the Plaintiff herein, having previously  3 been duly sworn by the Notary Public, was  4 examined and testified as follows:  5 MR. FINLEY: Does anyone in the  6 room have any questions before I ask my  7 questions this morning?  8 (No verbal response given)  9 MR. FINLEY: Anybody on the phone?  10 (No verbal response given)  11 EXAMINATION BY  12 MR. FINLEY:  13 Q. Good morning, Mr. Brown.  14 A. Good morning.  15 Q. How are you today?  16 A. Good.  17 Q. As you know my name is Patrick  18 Finley and I am your attorney  19 representing you from Weitz and  20 Luxenberg.  21 Now, I'm going to ask you a  22 couple of questions today, okay? Even  23 though I'm your attorney, the same rules  24 apply as when Andrew and some of the  25 other lawyers spoke with you this week.</p>
<p style="text-align: right;">Page 310</p> <p>1 IT IS HEREBY STIPULATED, by and between  2 the attorneys for the respective parties  3 hereto, that filing, sealing and  4 certification of the within Examination  5 Before Trial be waived; that all objections,  6 except as to form, are reserved to the time  7 of trial.  8 IT IS FURTHER STIPULATED AND AGREED that  9 the transcript may be signed before any  10 Notary Public with the same force and effect  11 as if signed before a Clerk or Judge of the  12 Court.  13 IT IS FURTHER STIPULATED AND AGREED that  14 all rights provided to all parties by the  15 CPLR shall not be deemed waived and the  16 appropriate sections of the CPLR shall be  17 controlling with respect thereto.  18 IT IS FURTHER STIPULATED AND AGREED by  19 and between the attorneys for the respective  20 parties hereto that a copy of the  21 Examination shall be furnished, without  22 charge, to the attorney representing the  23 witness testifying herein.  24  25</p>	<p style="text-align: right;">Page 312</p> <p>1 If I ask you a question, if you  2 don't understand my question or if you  3 need me to rephrase it, please let me  4 know and I'll do so. Please, wait for me  5 to finish asking my question before you  6 start your answer so that the court  7 reporter gets everything down and that's  8 pretty much it. Same ground rules apply  9 even though I'm your lawyer.  10 Now, before we begin did you  11 take any medications today that are  12 different than the medications you took  13 on Tuesday and Wednesday that you  14 previously testified to?  15 A. No.  16 Q. Is there anything about the way  17 you feel today that would prohibit you  18 from testifying this morning?  19 A. No.  20 Q. So you're good to go?  21 A. Yup.  22 Q. Okay, good.  23 Now, I'm going -- I'd like to  24 draw your attention to the time period  25 right after you graduated high school,</p>

3 (Pages 309 - 312)

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<p style="text-align: right;">Page 313</p> <p>1 okay?</p> <p>2 A. Okay.</p> <p>3 Q. So, I believe you testified on</p> <p>4 Tuesday and Wednesday you graduated high</p> <p>5 school in approximately 1953; is that</p> <p>6 correct?</p> <p>7 A. Yes.</p> <p>8 Q. And after you graduated you</p> <p>9 started to work as a sheet metal worker</p> <p>10 with E.D. Rakison --</p> <p>11 A. Yeah.</p> <p>12 Q. -- which I believe was also</p> <p>13 United Vari?</p> <p>14 A. Vari-Crafts.</p> <p>15 Q. Okay, correct. And you worked</p> <p>16 there from approximately 1953, 1954 to</p> <p>17 about 1955; is that correct?</p> <p>18 A. Yeah.</p> <p>19 Q. So, I want to talk to you just</p> <p>20 about that time period right now.</p> <p>21 A. Then the service.</p> <p>22 Q. And then you went into the</p> <p>23 service, right? Okay. So, what I want</p> <p>24 to talk to you about right now is the</p> <p>25 period between 1953 and when you went</p>	<p style="text-align: right;">Page 315</p> <p>1 MR. FINLEY: Withdrawn.</p> <p>2 Q. As part of your responsibilities</p> <p>3 at E.D. Rakison, did you have to travel?</p> <p>4 A. Travel where, meaning where?</p> <p>5 Q. So, your job responsibilities as</p> <p>6 a sheet metal worker you worked in the</p> <p>7 shop, correct?</p> <p>8 A. Yeah.</p> <p>9 Q. Did there ever come a point in</p> <p>10 time where you would have to leave the</p> <p>11 shop for work purpose?</p> <p>12 A. Sometimes I had to hang some</p> <p>13 signs.</p> <p>14 Q. And would you hang the signs at</p> <p>15 commercial and industrial locations</p> <p>16 throughout --</p> <p>17 A. Yeah. On banks and stuff.</p> <p>18 Q. And would that be throughout New</p> <p>19 York City?</p> <p>20 A. Yes. Basically Brooklyn and New</p> <p>21 York.</p> <p>22 Q. Brooklyn, Manhattan?</p> <p>23 A. Brooklyn and Manhattan.</p> <p>24 Q. Queens?</p> <p>25 A. Maybe a few in Queens. I didn't</p>
<p style="text-align: right;">Page 314</p> <p>1 into the service in 1955, so that two</p> <p>2 year period at E.D. Rakison, okay?</p> <p>3 A. Yeah.</p> <p>4 Q. Just so we're clear, that this</p> <p>5 is the only period right now that we're</p> <p>6 talking about.</p> <p>7 A. Okay.</p> <p>8 Q. Your job responsibilities there,</p> <p>9 you were a sheet metal worker and you</p> <p>10 assisted in the creation of signs,</p> <p>11 correct?</p> <p>12 A. Yes.</p> <p>13 Q. And I believe that you testified</p> <p>14 that you worked, the plant was on 9th</p> <p>15 Street and Fifth Avenue in Brooklyn?</p> <p>16 A. Yes.</p> <p>17 Q. And that at some point it moved</p> <p>18 to Union Street between Seventh and</p> <p>19 Eighth Avenue in Brooklyn?</p> <p>20 A. Yes. It moved into bigger</p> <p>21 shops.</p> <p>22 Q. Now, as part of your</p> <p>23 responsibilities at E.D. Rakison, you</p> <p>24 worked both in the shop and did you ever</p> <p>25 --</p>	<p style="text-align: right;">Page 316</p> <p>1 go into the Bronx or Staten Island.</p> <p>2 Q. So, during this period of time</p> <p>3 between about 1953 and 1955, you would</p> <p>4 travel throughout Brooklyn and Manhattan;</p> <p>5 is that correct?</p> <p>6 A. Yeah.</p> <p>7 Q. Sometimes Queens?</p> <p>8 A. Yeah.</p> <p>9 Q. And what type of locations would</p> <p>10 you be going to?</p> <p>11 A. Various ones, John's bargain</p> <p>12 stores were very popular, it was a chain</p> <p>13 of stores.</p> <p>14 Q. So, you would be going to</p> <p>15 commercial locations?</p> <p>16 A. Yes.</p> <p>17 Q. Did there ever come a point in</p> <p>18 time where you would go to industrial</p> <p>19 locations?</p> <p>20 A. I guess, offhand I don't</p> <p>21 remember.</p> <p>22 Q. But you definitely remember</p> <p>23 going to commercial locations; --</p> <p>24 A. Yeah.</p> <p>25 Q. -- is that correct?</p>

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1 When you were going to these  
 2 locations, would there sometimes be other  
 3 tradesmen who would be working at these  
 4 locations?  
 5 A. Oh, yeah, all kinds.  
 6 Q. So, these would be -- can you  
 7 tell me what type of tradesmen would be  
 8 there?  
 9 A. There would be everything, there  
 10 would be plumbers, electricians,  
 11 carpenters, all, all the trades that they  
 12 needed.  
 13 Q. So, you would be working either  
 14 hanging the sign or doing some type of  
 15 sheet metal work --  
 16 A. Yeah.  
 17 Q. -- and there would be plumbers  
 18 and electricians and carpenters working  
 19 around you; --  
 20 A. Yeah.  
 21 (All defendants object)  
 22 Q. -- is that correct?  
 23 A. Yes.  
 24 (All defendants object)  
 25 Q. Again, during this period

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1 between 1953 and about 1955, do you  
 2 recall offhand approximately how many  
 3 commercial and industrial locations you  
 4 would have been to throughout New York  
 5 City?  
 6 (All defendants object to form)  
 7 Q. You can answer the question.  
 8 (All defendants object, asked and  
 9 answered)  
 10 A. I don't recall.  
 11 Q. Was it many?  
 12 (All defendants object)  
 13 Q. You can answer the question.  
 14 (All defendants object)  
 15 A. Not too many, I don't think, not  
 16 -- I did most of my work in the shop.  
 17 Q. Do you recall the type of work  
 18 that the tradesmen that you would have  
 19 been around on the instances where you  
 20 did travel, what type of work they'd be  
 21 doing?  
 22 (All defendants object)  
 23 A. Offhand no.  
 24 Q. You just remember working around  
 25 them?

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1 (All defendants object)  
 2 A. Yeah.  
 3 Q. At the end of your time at E.D.  
 4 Rakison, that was about 1955; is that  
 5 correct?  
 6 A. Yeah.  
 7 Q. After that period of time, you  
 8 went into the United States Air Force; is  
 9 that correct?  
 10 A. Correct.  
 11 Q. And you were in the air force  
 12 you said for about three --  
 13 A. Four years.  
 14 Q. About four years?  
 15 A. Three years and eight months I  
 16 think.  
 17 Q. About three years and eight  
 18 months, okay. So, that would bring us to  
 19 about 1958?  
 20 A. Right.  
 21 Q. When you got out of the air  
 22 force, you started to work again with  
 23 E.D. Rakison, --  
 24 A. Right.  
 25 Q. -- correct? So, that would be

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1 in about 1958?  
 2 A. Yes.  
 3 Q. Do you recall for about how long  
 4 you worked for E.D. Rakison before you  
 5 went to the navy yards?  
 6 A. Not too long, I knew that job  
 7 wasn't going anywhere.  
 8 I keep losing my voice.  
 9 Q. Would you like some water?  
 10 A. No, no. I think it's in my  
 11 throat.  
 12 Q. If you need to take a moment or  
 13 take a break or get some water, just let  
 14 me know, okay?  
 15 A. Okay. I'm fine but I think it's  
 16 going to be a permanent thing which I  
 17 don't like.  
 18 Q. We'll go slow and take your  
 19 time.  
 20 A. Okay.  
 21 Q. So, when you got out of the air  
 22 force and you started with E.D. Rakison,  
 23 again were your job duties about the same  
 24 as they were before you went into the air  
 25 force?

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<p style="text-align: right;">Page 321</p> <p>1 (All defendants object)</p> <p>2 A. My job in E.D. Rakison?</p> <p>3 Q. When you went back after --</p> <p>4 A. Oh, yeah.</p> <p>5 Q. -- you left the service.</p> <p>6 A. Same thing, yeah.</p> <p>7 Q. So you did the same work?</p> <p>8 A. Yeah.</p> <p>9 Q. And that work included both</p> <p>10 being in the shop and being at other</p> <p>11 locations?</p> <p>12 (All defendants object)</p> <p>13 A. Right.</p> <p>14 Q. And those locations, would they</p> <p>15 also have been throughout New York City?</p> <p>16 (All defendants object)</p> <p>17 A. Would they all what?</p> <p>18 Q. Throughout New York City.</p> <p>19 A. For E.D.?</p> <p>20 Q. For E.D., yes. Would you have</p> <p>21 to go to locations commercial and</p> <p>22 industrial?</p> <p>23 (All defendants object)</p> <p>24 A. I'd take these outside jobs</p> <p>25 occasionally.</p>	<p style="text-align: right;">Page 323</p> <p>1 A. Yes.</p> <p>2 Q. And that was in 1958?</p> <p>3 A. Yeah.</p> <p>4 Q. Would that also have been in</p> <p>5 1959?</p> <p>6 (All defendants object)</p> <p>7 A. '58 or --</p> <p>8 Q. Do you recall the years that you</p> <p>9 worked at E.D. following the service?</p> <p>10 A. Yeah. '58 -- it would be '59.</p> <p>11 Q. So, 1958 and 1959. And when you</p> <p>12 went to those sites, would you have seen</p> <p>13 the same tradesmen, the same types of</p> <p>14 tradesmen that you testified to</p> <p>15 previously?</p> <p>16 (All defendants object)</p> <p>17 A. What was the question again?</p> <p>18 Q. You saw the same types of</p> <p>19 tradesmen?</p> <p>20 (All defendants object)</p> <p>21 A. Yeah.</p> <p>22 Q. And then at some point you</p> <p>23 started to work at the Brooklyn Navy</p> <p>24 Yard, correct?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 322</p> <p>1 Q. And they'd be the same types of</p> <p>2 locations --</p> <p>3 (All defendants object)</p> <p>4 A. Basically I was in the shop most</p> <p>5 of the time.</p> <p>6 Q. You were in the shop most of the</p> <p>7 time --</p> <p>8 A. Yeah.</p> <p>9 Q. -- but there would be some times</p> <p>10 you would --</p> <p>11 A. Yeah.</p> <p>12 Q. -- have to travel?</p> <p>13 A. Yeah.</p> <p>14 (All defendants object)</p> <p>15 A. Like a special job or if I was</p> <p>16 working on in the shop, I would go to the</p> <p>17 site and install it.</p> <p>18 Q. You would have to go to the site</p> <p>19 and install it, is that what you said?</p> <p>20 A. Yeah.</p> <p>21 Q. And those sites were throughout</p> <p>22 New York City, --</p> <p>23 A. Yes.</p> <p>24 Q. -- correct?</p> <p>25 (All defendants object)</p>	<p style="text-align: right;">Page 324</p> <p>1 Q. Do you recall what year that</p> <p>2 was?</p> <p>3 A. I guess it was '59, starting in</p> <p>4 '59.</p> <p>5 Q. Approximately 1959?</p> <p>6 A. Yeah.</p> <p>7 Q. And I believe you testified on</p> <p>8 Tuesday that the first place you worked</p> <p>9 at the navy yards was shop 17; is that</p> <p>10 correct?</p> <p>11 A. Right. I had to take a test to</p> <p>12 get in to there, mechanic, sheet metal</p> <p>13 mechanic.</p> <p>14 Q. You took a sheet metal mechanic</p> <p>15 exam?</p> <p>16 A. Yeah. Otherwise I would have</p> <p>17 been an apprentice and it was St. Paddy's</p> <p>18 Day, the guy said you pass.</p> <p>19 Q. So, you went in as a mechanic,</p> <p>20 not as an apprentice then?</p> <p>21 A. Yeah.</p> <p>22 Q. You got to skip that part.</p> <p>23 A. Yeah.</p> <p>24 Q. And when you started you started</p> <p>25 at shop 17, correct?</p>

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<p>1 A. Correct.</p> <p>2 Q. And is that located at the</p> <p>3 Brooklyn Navy Yard?</p> <p>4 A. In the navy yard.</p> <p>5 Q. In the Brooklyn Navy Yard, okay.</p> <p>6 A. Yeah.</p> <p>7 Q. And was shop 17 a designated</p> <p>8 sheet metal shop?</p> <p>9 A. Yeah, yeah.</p> <p>10 Q. Were there any other tradesmen</p> <p>11 that were working in shop 17?</p> <p>12 A. Mostly sheet metal workers.</p> <p>13 Q. As part of your duties at shop</p> <p>14 17, did you have to go on to any of the</p> <p>15 ships that were docked there?</p> <p>16 (All defendants object)</p> <p>17 A. I used to work on a ship and</p> <p>18 come back to the shop, yeah, right.</p> <p>19 Q. Do you recall for approximately</p> <p>20 how long you worked at shop 17?</p> <p>21 A. Probably about a year and a</p> <p>22 half. They tested me to see what I could</p> <p>23 do, what type of work I did because you</p> <p>24 were on a ship, sometimes you'd be your</p> <p>25 own supervisor and they wanted to make</p>	<p>1 Q. You're --</p> <p>2 A. It was a pretty dirty shop.</p> <p>3 Q. What do you mean by that?</p> <p>4 A. Well, it was dirty, it wasn't</p> <p>5 swept up that much, dust all over the</p> <p>6 place.</p> <p>7 Q. Was there any piping inside shop</p> <p>8 17?</p> <p>9 A. All along the walls but I don't</p> <p>10 know the condition they were.</p> <p>11 Q. Do you recall if that piping was</p> <p>12 insulated?</p> <p>13 A. No, I don't.</p> <p>14 Q. During the period of time you</p> <p>15 worked at shop 17, do you recall what</p> <p>16 your hours were?</p> <p>17 A. It's regular -- yeah, I would</p> <p>18 say eight to four or nine to five, either</p> <p>19 one.</p> <p>20 Q. Eight to four or nine to five,</p> <p>21 is that Monday to Friday?</p> <p>22 A. Yeah.</p> <p>23 Q. Did you have to work on nights</p> <p>24 or weekends?</p> <p>25 A. Oh, I worked all the time every</p>
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<p>1 sure you're doing work.</p> <p>2 MS. FLUFFT: Can I have a read</p> <p>3 back, please?</p> <p>4 (All defendants object)</p> <p>5 MR. ORTIZ: Move to strike</p> <p>6 non-responsive portions.</p> <p>7 Q. Do you recall what the interior</p> <p>8 of shop 17 looked like?</p> <p>9 A. Yeah. It had big tables like</p> <p>10 this (indicating), had two guys working</p> <p>11 on each table doing what they were doing,</p> <p>12 you know, making bulkhead walls and stuff</p> <p>13 and they had -- I don't know if there was</p> <p>14 a dozen of them.</p> <p>15 Q. A dozen tables like the one</p> <p>16 that's in this room?</p> <p>17 A. A big, wide, open area.</p> <p>18 Q. Do you recall approximately how</p> <p>19 many people would be working in shop 17</p> <p>20 at any given time?</p> <p>21 A. Oh, I don't know, I didn't count</p> <p>22 them.</p> <p>23 Q. Was it big enough to hold 25</p> <p>24 people?</p> <p>25 A. Oh, yeah, yeah.</p>	<p>1 day.</p> <p>2 Q. During a given seven day period</p> <p>3 of time, how often would you say you were</p> <p>4 working in shop 17?</p> <p>5 A. I was getting married so I was</p> <p>6 working all overtime.</p> <p>7 Q. So, you were working both your</p> <p>8 regular time and overtime during that</p> <p>9 period?</p> <p>10 A. Oh, yeah, yeah.</p> <p>11 Q. Did there come a point in time</p> <p>12 when you were transferred to the USS</p> <p>13 Constellation?</p> <p>14 (All defendants object)</p> <p>15 A. Yes, I was.</p> <p>16 Q. And --</p> <p>17 A. Because it was smaller -- the</p> <p>18 Constellation was a big ship and there</p> <p>19 were other smaller ships, battle</p> <p>20 cruisers, I don't know what the heck they</p> <p>21 called them, I'm not a navy man.</p> <p>22 Q. When you worked at the navy</p> <p>23 yards, you were a civilian employee,</p> <p>24 correct?</p> <p>25 A. Yeah.</p>

7 (Pages 325 - 328)

1 Q. Do you recall on Tuesday when  
2 Andrew was asking you about your time on  
3 the USS Constellation, he referred to a  
4 fire that happened on the ship; do you  
5 remember that?

6 (All defendants object)

7 A. Oh, yeah, I was very aware of  
8 the fire.

9 Q. Did you start --

10 A. In fact, it was still smoking,  
11 the fire.

12 Q. Right, I remember you said that  
13 on Tuesday. Did you start working on the  
14 Constellation before the fire or after  
15 the fire?

16 A. After the fire.

17 Q. After the fire, okay.

18 A. The decks on the Constellation  
19 which were tremendous size, couple of  
20 ball fields, they were all twisted and  
21 warped and they were 5 inch steel, solid  
22 steel.

23 Q. On the deck of the  
24 Constellation?

25 A. Yeah. Cut them out and take

1 them out, tremendous job.

2 Q. Do you recall for approximately  
3 how long you worked on the USS  
4 Constellation for?

5 A. I would say probably a year.

6 Q. Of the time you were in the navy  
7 yards, about a year was on the  
8 Constellation?

9 (All defendants object)

10 A. Yeah. But I was at the navy  
11 yards longer than that.

12 Q. Correct. No, I know what. I'm  
13 just talking about the period of time you  
14 were on the Constellation itself.

15 A. About a year.

16 Q. And during your time on the  
17 Constellation, do you recall working  
18 around other tradesmen besides sheet  
19 metal workers?

20 (All defendants object)

21 A. Yeah.

22 Q. Do you recall what other trades  
23 you worked around?

24 (All defendants object)

25 A. Yeah, there was all kinds of

1 trades working.

2 Q. Do you recall --

3 A. Plumbers and electricians,  
4 welders, sheet metal workers, all kinds  
5 of trades. Any kind of trades you can  
6 think of was practically there.

7 Q. Do you recall what these  
8 tradesmen were working on?

9 (All defendants object)

10 A. Some guys were working on  
11 installing bathrooms, bulkhead walls and  
12 that was it. Actually everything, they  
13 were building the ship inside.

14 Q. Were they rebuilding what had  
15 been destroyed by the fire?

16 (All defendants object)

17 A. What they could they would cut  
18 out, some of those 5 inch plates of steel  
19 or the -- not the plates of steel but the  
20 duct work that put them in the air  
21 conditioner and breathing the air and  
22 completely burnt, gone, disintegrated.

23 Q. And as part of your duties on  
24 the USS Constellation, do you recall what  
25 areas of the ship you were in?

1 (All defendants object)

2 A. On the Constellation?

3 Q. Yes.

4 A. I got lost two or three times on  
5 the Constellation, a couple of hours each  
6 time because it was 3,000 compartments  
7 and so I was pretty much all over the  
8 ship. I was down in the boiler room and  
9 plus all the jobs I was doing on the  
10 ships, on the ship was pretty much all  
11 over the boiler room -- all over the  
12 ship.

13 Q. You just mentioned that you  
14 recalled being in the boiler room, do you  
15 remember what tradesmen would have been  
16 working in the boiler room at the same  
17 time you were there?

18 (All defendants object)

19 Q. You can answer the question.

20 A. Pipe fitters and stuff putting  
21 in, putting in the pipes and for the  
22 boilers and all of that and the lath,  
23 when they mixed up lath.

24 Q. Do you recall seeing these men  
25 do that?

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<p style="text-align: right;">Page 333</p> <p>1 A. Oh, yeah.</p> <p>2 Q. As part of the work that they</p> <p>3 were doing, did you happen to notice</p> <p>4 what the air looked like in the boiler</p> <p>5 room?</p> <p>6 (All defendants object)</p> <p>7 A. Well, there was -- it wasn't</p> <p>8 like outside, that's for sure.</p> <p>9 Q. What do you mean by that?</p> <p>10 (All defendants object)</p> <p>11 A. Dust, there's stuff in the air.</p> <p>12 Q. There's dust?</p> <p>13 A. Yeah.</p> <p>14 Q. Did you see that dust?</p> <p>15 (All defendants object)</p> <p>16 A. Yeah.</p> <p>17 Q. Did you breathe that dust?</p> <p>18 (All defendants object)</p> <p>19 A. Yeah.</p> <p>20 Q. Do you believe that dust exposed</p> <p>21 you to asbestos?</p> <p>22 (All defendants object)</p> <p>23 A. I don't know, I guess it was.</p> <p>24 Q. While you were in the boiler</p> <p>25 room, do you recall any individuals</p>	<p style="text-align: right;">Page 335</p> <p>1 A. Yeah. Boiler room is big.</p> <p>2 Q. You recall the boiler?</p> <p>3 A. Yeah.</p> <p>4 Q. And do you recall seeing</p> <p>5 tradesmen working on the boiler and the</p> <p>6 pumps you just mentioned?</p> <p>7 (All defendants object to form)</p> <p>8 A. Yeah.</p> <p>9 Q. Do you recall what type of work</p> <p>10 they'd be doing?</p> <p>11 (All defendants object)</p> <p>12 A. I don't know, attaching pipes</p> <p>13 and the lath, I don't know. The</p> <p>14 mechanics covered the new pipes with the</p> <p>15 lath.</p> <p>16 Q. But you just recall them doing</p> <p>17 the work?</p> <p>18 A. Yeah.</p> <p>19 MR. ORTIZ: Can I get a read back</p> <p>20 of the last answer, please?</p> <p>21 (Whereupon, at this time, the</p> <p>22 requested portion was read back by the</p> <p>23 reporter)</p> <p>24 Q. Do you recall when these</p> <p>25 individuals were doing the work you just</p>
<p style="text-align: right;">Page 334</p> <p>1 working on any pumps?</p> <p>2 (All defendants object to form)</p> <p>3 A. Yeah.</p> <p>4 (All defendants object to form)</p> <p>5 MR. CURTIS: What was his answer?</p> <p>6 (Whereupon, at this time, the</p> <p>7 requested portion was read back by the</p> <p>8 reporter)</p> <p>9 Q. Do you recall what pieces of</p> <p>10 equipment you would have seen in the</p> <p>11 boiler room?</p> <p>12 (All defendants object)</p> <p>13 A. That would be pumps in the</p> <p>14 boiler room.</p> <p>15 Q. Any other pieces of equipment</p> <p>16 you remember?</p> <p>17 MR. ORTIZ: Can I get a read back,</p> <p>18 please?</p> <p>19 (Whereupon, at this time, the</p> <p>20 requested portion was read back by the</p> <p>21 reporter)</p> <p>22 Q. Do you recall any other</p> <p>23 equipment you would have seen in the</p> <p>24 boiler room other than the pumps you</p> <p>25 mentioned?</p>	<p style="text-align: right;">Page 336</p> <p>1 mentioned, what the air looked like?</p> <p>2 (All defendants object)</p> <p>3 A. Yeah. It was pretty -- it was</p> <p>4 dusty and mostly dusty in the shop.</p> <p>5 Q. So, it was dustier than in the</p> <p>6 shop?</p> <p>7 A. Yeah.</p> <p>8 (All defendants object)</p> <p>9 A. They were doing a lot of filing</p> <p>10 and grinding.</p> <p>11 MR. ORTIZ: Move to strike the</p> <p>12 non-responsive portions.</p> <p>13 Q. Did there ever come a point in</p> <p>14 time when you were in the engine room of</p> <p>15 the Constellation?</p> <p>16 (All defendants object, leading)</p> <p>17 A. Yeah. Even when I was lost.</p> <p>18 Q. When you were lost, do you</p> <p>19 remember that?</p> <p>20 (All defendants object)</p> <p>21 A. Yeah.</p> <p>22 Q. What do you remember about being</p> <p>23 in the engine room?</p> <p>24 (All defendants object)</p> <p>25 A. How big it was, the engine room.</p>

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1 Q. Do you recall seeing men working  
2 in the engine room?  
3 (All defendants object, leading)  
4 A. Yeah. There was a drive shaft  
5 on the Constellation, was humongous.  
6 Q. Do you recall seeing men work on  
7 the drive shaft you just mentioned?  
8 (All defendants object to form)  
9 A. Like the whole ship, the drive  
10 shaft, it went from, like, forward to aft  
11 and it was a powerful looking pipe, like  
12 a pipe on there.  
13 Q. And you recall being around that  
14 drive shaft?  
15 A. Yeah.  
16 (All defendants object)  
17 A. Everybody would walk by it.  
18 Q. Do you recall any other areas of  
19 the ship you would have been on?  
20 (All defendants object)  
21 A. Well, sometimes what they would  
22 do is assign me -- after I got a little  
23 established there, I had a couple of  
24 helpers, two or three helpers and they  
25 assign me a room where they had their own

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1 drafted out and then they put, all got  
2 put in the bulkhead walls here, here and  
3 that was a job with the helpers.  
4 Q. So, you'd be doing that work  
5 with helpers that you were assigned?  
6 A. Yeah.  
7 (All defendants object)  
8 Q. And while you were doing the  
9 work with these helpers, were there other  
10 tradesmen working around you?  
11 (All defendants object)  
12 A. Sure.  
13 Q. Do you recall what other  
14 tradesmen would be working around you  
15 while you were doing this specific work?  
16 (All defendants object)  
17 A. Well, they had all kinds of  
18 running electrical wire for  
19 communications within the ship and there  
20 was a lot of trades stepping on top of  
21 each other and having arguments who had  
22 the right.  
23 Q. And you remember having those  
24 arguments?  
25 A. Yeah. I had more priority than

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1 you.  
2 Q. And I believe you testified on  
3 Tuesday that some of the work that you  
4 did in addition to the sheet metal work  
5 involved sheetrock; is that correct?  
6 A. Yeah.  
7 Q. Do you recall what area of the  
8 ship you were doing the sheetrock work?  
9 (All defendants object)  
10 A. I think in the beginning I  
11 started, that's when I started, about  
12 mid-ship.  
13 Q. And do you recall what your  
14 hours of work were while you worked on  
15 the Constellation?  
16 A. Pretty varied because they  
17 wanted the ship done fast. Anybody  
18 wanted to work overtime and I worked  
19 overtime all the time.  
20 Q. So, you were working, would it  
21 be fair to say you were working five days  
22 a week?  
23 (All defendants object)  
24 A. Oh, yeah, it would be fair. To  
25 work I did that, like, 60 hours a week.

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1 Q. You were working about 60 hours  
2 a week?  
3 A. Yeah.  
4 Q. And if you had the opportunity  
5 for overtime, you said you took the  
6 overtime?  
7 (All defendants object)  
8 A. Overtime, yeah.  
9 Q. And I recall on Tuesday you  
10 testified that you helped some of the  
11 plumbers do work on insulation on the  
12 Constellation; is that correct?  
13 (All defendants object)  
14 Q. You helped plumbers?  
15 A. Yeah, I helped them.  
16 Q. And --  
17 A. They would help me too, we were  
18 pretty friendly.  
19 Q. You guys worked together?  
20 A. Yeah.  
21 Q. The guys on the ship worked  
22 together?  
23 (All defendants object to form)  
24 A. Oh, yeah.  
25 Q. When you worked on the



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1 Constellation, were you given breaks  
2 throughout the day?  
3 A. Yeah. Coffee breaks and you get  
4 one in the morning and one in the  
5 afternoon.  
6 Q. What would you do when you were  
7 on your breaks when you were working on  
8 the Constellation?  
9 A. Go to sleep.  
10 Q. Where would you sleep?  
11 A. Anywhere. We used to sleep on  
12 the insulation I remember until we all  
13 started getting very itchy.  
14 Q. You slept on the insulation of  
15 the ship?  
16 A. Summertime it was very hot.  
17 Q. This was inside the ship,  
18 correct?  
19 A. Insulation, no, we went outside.  
20 If it was bottled up on the deck  
21 materials because that's where they  
22 stored the insulation.  
23 Q. On the top of the deck?  
24 A. On one deck, didn't have to be  
25 the top.

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1 Q. And you recall laying on the  
2 insulation?  
3 A. Oh, yeah. I only got itchy  
4 once.  
5 Q. Approximately how many times, if  
6 you can recall, would you lay on the  
7 insulation?  
8 A. If it was nice and clean, I  
9 would just lay -- but I seen them take  
10 away a guy to the hospital because he got  
11 so itchy. He was working so hard and got  
12 sweaty and they just throw down the  
13 insulation.  
14 Q. What was the working environment  
15 on the Constellation like, you just said  
16 people were sweaty, do you recall what it  
17 was like in there?  
18 (All defendants object)  
19 A. They did everything in there,  
20 you know, they did welding and they  
21 installed everything, toilets,  
22 everything.  
23 Q. And did there come a point in  
24 time when you worked on any other ships  
25 in the Brooklyn Navy Yard?

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1 (All defendants object)  
2 A. Yeah.  
3 Q. And do you recall the names of  
4 any of the other ships you worked on?  
5 A. Yeah -- no, I don't recall.  
6 They were small, they were destroyers and  
7 they were smaller than the Constellation.  
8 Q. The Constellation was the  
9 largest ship you worked on?  
10 A. Yeah.  
11 Q. Do you recall how many other  
12 ships you did work on?  
13 A. No. I know it was a few  
14 destroyers.  
15 Q. And what type of work did you do  
16 on these ships?  
17 A. Well, what they were doing was  
18 take everything from the main deck up on  
19 the top and taking all of that off  
20 because it was steel, it was too top  
21 heavy. And they'd take that off and then  
22 put down combing, metal combing to the  
23 deck, bring it and then when they built  
24 the new bulkhead, which we did, they put  
25 rubber in between the steel and the

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1 metal, the metal combing.  
2 Q. And this was on the destroyers  
3 that you did the work on?  
4 A. Destroyer, yeah. Probably they  
5 -- always put rubber in between the  
6 steel, chemical reaction, it would rot  
7 out in maybe a year or two.  
8 Q. When you were doing that type of  
9 work on these other ships, were there  
10 other tradesmen working around you?  
11 (All defendants object)  
12 A. Uh-huh.  
13 Q. Do you recall what other  
14 tradesmen would have been working around  
15 you?  
16 A. Same thing, welders -- sometimes  
17 it had to get so crowded, you had to get  
18 out of the way of the plumbers, out of  
19 the way of plumbers. You worked there  
20 for two hours and we'll come back, it  
21 just got too crowded.  
22 Q. Do you recall seeing these  
23 workers do any work with insulation?  
24 MR. CURTIS: Leading.  
25 A. Yeah. The straight insulation,

1 it was all prefabricated and then when it  
2 came to the elbows, they used to put on  
3 the straightest right up to the elbow and  
4 then they mix up their own, their own  
5 insulation and put it on by hand.  
6 Q. Did you help them with this or  
7 just watch them do it?  
8 A. No, I watched them do it.  
9 Q. Watched them do it?  
10 A. Too sloppy.  
11 MR. CURTIS: Form.  
12 A. It took a little talent to do it  
13 nice and neat.  
14 Q. When you were watching them do  
15 this, did you notice anything about the  
16 air around where they were doing this  
17 work?  
18 (All defendants object to form)  
19 A. When they first put it on, might  
20 get a little dusty.  
21 Q. Do you recall seeing that dust?  
22 A. Yeah. I was watching, I could  
23 see, next day they would smooth it down.  
24 Some of them used wet rags, some used  
25 sandpaper, sandpaper created dust.

1 Q. And you saw the dust be created?  
2 A. Oh, yeah.  
3 Q. And were you close enough to  
4 breathe in this dust?  
5 A. Yeah, very easy.  
6 Q. And do you believe this dust  
7 exposed you to asbestos?  
8 A. Yeah, I guess it did.  
9 Q. Did you do any sheetrock work on  
10 these destroyers?  
11 (All defendants object)  
12 A. I'm sure I did. I think I put  
13 in four bathrooms in the destroyers. I  
14 was putting in all the appliances, soap  
15 trays, you know, stuff on -- the  
16 convenience items.  
17 Q. But do you recall working with  
18 sheetrock?  
19 (All defendants object)  
20 A. Yeah.  
21 Q. Do you recall the name of the  
22 sheetrock you would have used?  
23 A. Georgia-Pacific, is that a  
24 sheetrock?  
25 Q. I don't know, sir.

1 What do you recall doing with  
2 the sheetrock?  
3 A. Putting it up on the beams, I  
4 think we used to rivet it on, top rivets,  
5 put it up there.  
6 Q. But you don't remember the name  
7 of the manufacturer of the sheetrock you  
8 used?  
9 A. No.  
10 Q. Do you recall for approximately  
11 how long you worked on these other ships?  
12 A. Probably a year and a half.  
13 Q. So, you were on --  
14 A. I switched around from the  
15 Constellation to the other ships.  
16 Q. And how long did you say you  
17 remembered being on the Constellation  
18 for?  
19 (All defendants object to form)  
20 A. I think it's three years -- or  
21 one year, one year -- I'm not sure. It  
22 might have been three, I don't know.  
23 Q. During the period of time you  
24 worked at the navy yard, did you work on  
25 any other ships or in any other places

1 other than what you've already told us  
2 here?  
3 (All defendants object)  
4 A. No. The only thing I think when  
5 I was working on the Constellation and  
6 the cruise ships where they were changing  
7 the top, they only used me to put in the  
8 bathrooms and stuff as a filler because  
9 they wanted me to be busy up there.  
10 Q. Are there any other ships or any  
11 other shops or any other places at the  
12 navy yard that you remember working at  
13 during the period of time you were at the  
14 Brooklyn Navy Yard?  
15 (All defendants object)  
16 A. No.  
17 Q. And did there come a point in  
18 time where you stopped working at the  
19 navy yard?  
20 A. Yeah.  
21 Q. Do you remember when that was?  
22 A. Definitely stopped.  
23 Q. Yes. Did you stop working there  
24 before you went to the fire department?  
25 A. Oh, yeah, that's why I stopped.

<p style="text-align: right;">Page 349</p> <p>1 Q. That's why you stopped?</p> <p>2 A. Yeah.</p> <p>3 Q. So, you went from working at the</p> <p>4 navy yard to the FDNY; is that correct?</p> <p>5 (All defendants object)</p> <p>6 A. Yeah.</p> <p>7 Q. So, you would have been out of</p> <p>8 the navy yards from approximately 1959,</p> <p>9 1960 to about 1962; is that correct?</p> <p>10 A. Yeah. That's what the fire</p> <p>11 department was about.</p> <p>12 (All defendants object)</p> <p>13 Q. And when you started --</p> <p>14 A. Took a hell of a cut in pay too,</p> <p>15 the fire department, down to one third.</p> <p>16 Q. Took a one third cut in pay?</p> <p>17 A. Yeah.</p> <p>18 Q. When you --</p> <p>19 A. Because they had more benefits</p> <p>20 in the fire department, so that's why I</p> <p>21 did it.</p> <p>22 Q. When you went to the fire</p> <p>23 department, I believe you testified you</p> <p>24 were assigned to Engine 202 in Red Hook;</p> <p>25 is that correct?</p>	<p style="text-align: right;">Page 351</p> <p>1 to, you know, be in the boiler room of</p> <p>2 Engine 202?</p> <p>3 (All defendants object to form)</p> <p>4 A. Yeah.</p> <p>5 Q. Did you ever do any work on the</p> <p>6 boiler there?</p> <p>7 A. Yeah. It was a mess, the boiler</p> <p>8 room, had to be keep cleaning it out.</p> <p>9 Q. Was that part of your duties as</p> <p>10 a firefighter?</p> <p>11 A. No, but it was a problem.</p> <p>12 Q. And at some point I believe you</p> <p>13 testified after you started in the fire</p> <p>14 department is when you began your side</p> <p>15 business; is that correct?</p> <p>16 A. When I what?</p> <p>17 Q. At some point after you started</p> <p>18 in the fire department, --</p> <p>19 A. Yes.</p> <p>20 Q. -- you started a side business;</p> <p>21 is that correct?</p> <p>22 A. Yeah.</p> <p>23 Q. Do you recall what year you</p> <p>24 started that side business?</p> <p>25 A. No, no, I don't know. I just, I</p>
<p style="text-align: right;">Page 350</p> <p>1 A. Correct.</p> <p>2 Q. And is that the only location</p> <p>3 that you were assigned during your time</p> <p>4 at the fire department?</p> <p>5 A. Yes. I worked -- we relocated</p> <p>6 to other firehouses maybe just for</p> <p>7 overnight or two nights.</p> <p>8 Q. Right, right. Aside from like a</p> <p>9 special assignment, you were assigned to</p> <p>10 202?</p> <p>11 A. Like that.</p> <p>12 Q. So, you were there for the</p> <p>13 entirety of your career as a firefighter?</p> <p>14 A. Yeah. It was right by the</p> <p>15 Brooklyn Battery Tunnel.</p> <p>16 Q. And Engine 202; is that correct,</p> <p>17 am I saying that correctly?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you recall how Engine 202 was</p> <p>20 heated by chance?</p> <p>21 A. No. How was it what?</p> <p>22 Q. How the building was heated?</p> <p>23 A. I think it was oil heat I</p> <p>24 believe.</p> <p>25 Q. Did you ever have any occasion</p>	<p style="text-align: right;">Page 352</p> <p>1 started off very light with my two sons</p> <p>2 and my daughter because the customers</p> <p>3 liked to see -- found out they were my</p> <p>4 family and plus they did very nice work.</p> <p>5 They liked watching the long redheaded</p> <p>6 girl.</p> <p>7 Q. Your daughter you're referring</p> <p>8 to, right?</p> <p>9 A. Yeah.</p> <p>10 Q. I believe when you testified on</p> <p>11 Tuesday and Wednesday, you mentioned that</p> <p>12 you did both interior and exterior work</p> <p>13 as part of your side business; is that</p> <p>14 correct?</p> <p>15 (All defendants object)</p> <p>16 A. Yeah.</p> <p>17 Q. And if I recall correctly, I</p> <p>18 believe you said you worked about 20</p> <p>19 hours a week doing that side business?</p> <p>20 (All defendants object)</p> <p>21 A. Yeah. I had a career with the</p> <p>22 fire department to keep it legitimate, I</p> <p>23 only worked so many hours.</p> <p>24 Q. So, you would keep the fire</p> <p>25 department appraised of your side</p>

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1 business?  
 2 A. Yeah.  
 3 Q. Okay.  
 4 A. And then after a while I --  
 5 Q. You were able to balance both.  
 6 A. Yeah.  
 7 (All defendants object)  
 8 Q. As part of the interior work you  
 9 did, did you ever do any work with  
 10 sheetrock?  
 11 A. Yeah, sure.  
 12 Q. What kind of work did you do  
 13 with sheetrock?  
 14 A. Sheetrock is a drywall and  
 15 everything else.  
 16 Q. And what kind of work would you  
 17 do?  
 18 A. Putting up all the walls and I  
 19 tape it, sand it or wipe it down smooth.  
 20 A lot of times I could use sandpaper on  
 21 that.  
 22 Q. Do you recall what products you  
 23 used with the sheetrock when you were  
 24 doing this taping work?  
 25 (All defendants object)

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1 A. Yeah, I used spackle.  
 2 Q. Anything else?  
 3 A. I said I used the tape, taping,  
 4 the tape all over and then another layer  
 5 of spackle, then sand it all down.  
 6 Q. Do you recall what the air  
 7 looked like while you were doing this  
 8 sanding work?  
 9 (All defendants object)  
 10 A. The air got a little sloppy from  
 11 sanding down the -- I don't know what you  
 12 call it, joint compound.  
 13 Q. Did you say joint compound?  
 14 A. Yeah.  
 15 (All defendants object)  
 16 MS. MACSTEEL: Can I get a read  
 17 back, please?  
 18 (Whereupon, at this time, the  
 19 requested portion was read back by the  
 20 reporter)  
 21 Q. Do you recall the name of the  
 22 joint compound you would have used?  
 23 (All defendants object)  
 24 A. Georgia-Pacific.  
 25 Q. You recall Georgia-Pacific joint

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1 compound?  
 2 A. Yeah.  
 3 Q. Do you recall what it came in,  
 4 like how it was packaged?  
 5 A. It came in a 5 gallon bucket,  
 6 tin buckets.  
 7 Q. And you used that during your  
 8 time in Fred Brown Painting?  
 9 A. Yeah. When I got, like, four or  
 10 five guys, I used quite a lot of it.  
 11 Q. And you mentioned that the air  
 12 looked sloppy, can you describe what you  
 13 meant by that?  
 14 A. After it's dry you can't sand  
 15 it, the joint compound. And even the  
 16 sheetrock, when you're putting the joint  
 17 compound in, you got to wait overnight  
 18 sometimes before you could sand it  
 19 because it's too soft.  
 20 Q. And after it hardened what would  
 21 you do?  
 22 A. Well, after you -- then when you  
 23 sanded it, it was all full of dust, then  
 24 you sand it, then you brush it down and  
 25 then sweep it up.

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1 Q. And did you see that dust?  
 2 A. Yeah, I did it.  
 3 Q. You did that.  
 4 A. Yeah.  
 5 Q. Did you breathe that dust?  
 6 A. Yeah.  
 7 (All defendants object)  
 8 Q. Do you believe that dust exposed  
 9 you to asbestos?  
 10 (All defendants object)  
 11 A. You'd be all white.  
 12 Q. When you were doing this work,  
 13 did you ever wear a mask?  
 14 A. I don't think so.  
 15 Q. Do you recall seeing any  
 16 warnings on the --  
 17 A. Too much, I didn't wear a mask.  
 18 Q. Do you recall seeing any  
 19 warnings on the Georgia-Pacific tin  
 20 bucket?  
 21 (All defendants object)  
 22 A. Might have been but I didn't pay  
 23 any attention to it.  
 24 Q. Can you say for sure whether you  
 25 saw a warning or not?

1 (All defendants object)  
 2 A. I don't know if there was -- on  
 3 the tin cans maybe there was a warning  
 4 but I believe they changed the tin cans  
 5 to plastic.  
 6 Q. Do you remember when they  
 7 changed from tin cans to plastic?  
 8 A. No, no.  
 9 Q. But do you specifically recall  
 10 seeing a warning on the tin can?  
 11 (All defendants object)  
 12 A. Yeah, on the tin can, yeah,  
 13 yeah.  
 14 Q. Do you remember what it said?  
 15 A. No. I could see the warning on  
 16 a cigarette pack, it's like a warning on  
 17 a cigarette pack.  
 18 Q. Do you recall seeing that?  
 19 A. No. The attorney general on the  
 20 cigarette pack, smoking may be hazardous  
 21 to your health.  
 22 Q. Do you remember seeing a warning  
 23 like that on the joint compound bucket?  
 24 A. I don't know if I did or not.  
 25 (All defendants object)

1 A. Nobody paid attention to it, it  
 2 was not on every can. We thought it was,  
 3 like, just required for the law, the law  
 4 required it.  
 5 MS. MACSTEEL: Can I get a read  
 6 back?  
 7 (Whereupon, at this time, the  
 8 requested portion was read back by the  
 9 reporter)  
 10 Q. Other than the sheetrock work  
 11 you just mentioned with the joint  
 12 compound, was there any other work that  
 13 you would have done as part of Fred Brown  
 14 Painting that you haven't already  
 15 discussed?  
 16 (All defendants object)  
 17 A. Oh, I don't think so.  
 18 Q. You did roofing work you  
 19 testified to, right?  
 20 (All defendants object)  
 21 A. Yeah.  
 22 Q. And you did painting work?  
 23 A. Yes.  
 24 Q. And this drywall work?  
 25 A. Yeah.

1 Q. And anything else?  
 2 A. Well, I did some renovation  
 3 work, especially with roofing work, it  
 4 involved you got to put a new beam or  
 5 something, you just can't put a little --  
 6 a lot of rooms were rotten, so you have  
 7 to take that out and when you take that  
 8 out, 2 x 6 beams, 2 x 8 beams were also  
 9 rotted, you had to replace that beam.  
 10 Q. And you did this work during the  
 11 period of time you worked as a  
 12 firefighter, correct?  
 13 A. Yeah.  
 14 Q. Do you recall what year you  
 15 stopped doing this type of work?  
 16 A. I don't know, I stopped -- I  
 17 don't know exactly when I stopped roofing  
 18 but I got -- those rolls were 90 pounds a  
 19 roll, carry them up a 35 foot ladder.  
 20 Q. If you recall you testified that  
 21 you stopped working, the fire department,  
 22 you retired in 1989, were you still doing  
 23 this work after 1989?  
 24 A. I might have done small, little  
 25 jobs, like a garage or something.

1 Q. So, the bulk of the Fred Brown  
 2 Painting business occurred during the  
 3 years you were a firefighter; is that  
 4 correct?  
 5 A. Yeah.  
 6 Q. Do you recall yesterday you  
 7 testified about some cars that you owned;  
 8 do you remember that?  
 9 A. Yeah.  
 10 Q. And you testified to doing I  
 11 believe approximately 30 brake jobs on a  
 12 Ford van; do you remember that?  
 13 A. Yeah. That was the one I used  
 14 for all the work on the roofing.  
 15 Q. For the Fred Brown Painting  
 16 business, correct?  
 17 A. Yeah. I did clutches and  
 18 brakes, they didn't last much time.  
 19 Q. Do you recall the manufacturer  
 20 of the clutch you would have used?  
 21 MR. WARSHAUER: Objection.  
 22 Q. Take your time.  
 23 A. Do I recall what?  
 24 Q. The manufacturer of the clutch  
 25 you would have replaced.

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<p style="text-align: right;">Page 361</p> <p>1 MR. WARSHAUER: Objection to form.</p> <p>2 A. I think the clutch was Borg</p> <p>3 Warner.</p> <p>4 Q. Borg Warner?</p> <p>5 A. Yeah.</p> <p>6 MR. WARSHAUER: Objection to form.</p> <p>7 Q. Do you recall approximately how</p> <p>8 many clutch jobs you would have done on</p> <p>9 that van?</p> <p>10 A. I don't know, maybe we used to</p> <p>11 put them out quite a lot on the van, I</p> <p>12 pushed that truck.</p> <p>13 Q. Do you recall how long you owned</p> <p>14 the van for?</p> <p>15 A. Twelve years, I replaced three</p> <p>16 motors.</p> <p>17 Q. Three motors?</p> <p>18 A. Yeah.</p> <p>19 Q. Do you recall if you --</p> <p>20 MR. FINLEY: Withdrawn.</p> <p>21 Q. If you recall three motor</p> <p>22 replacements, do you recall how many</p> <p>23 clutch replacements you would have done?</p> <p>24 A. I don't know. The clutch, I</p> <p>25 don't know, maybe in twelve years, maybe</p>	<p style="text-align: right;">Page 363</p> <p>1 Q. But you think you probably did</p> <p>2 about twelve; is that correct?</p> <p>3 A. I'm assuming --</p> <p>4 MR. WARSHAUER: Objection to form,</p> <p>5 mischaracterizes testimony.</p> <p>6 A. I'm assuming over a twelve year</p> <p>7 period that I owned it.</p> <p>8 Q. You also mentioned a two door</p> <p>9 Buick that you owned --</p> <p>10 A. Yeah.</p> <p>11 Q. -- yesterday, do you recall any</p> <p>12 brake work you would have done on the two</p> <p>13 door Buick?</p> <p>14 A. Oh, those were just social cars,</p> <p>15 you know, I didn't...</p> <p>16 Q. So, you didn't do any brake work</p> <p>17 on the two door Buick?</p> <p>18 A. I might have did one job or</p> <p>19 something, I didn't beat them up that</p> <p>20 much.</p> <p>21 Q. I know you testified about a</p> <p>22 four door Buick that you owned, do you</p> <p>23 recall doing any brake work on the four</p> <p>24 door Buick?</p> <p>25 A. No, but I had that for quite a</p>
<p style="text-align: right;">Page 362</p> <p>1 about ten.</p> <p>2 Q. About ten clutch jobs over the</p> <p>3 twelve years?</p> <p>4 A. But a lot more -- well, I don't</p> <p>5 know if there was more brakes or</p> <p>6 clutches. I had different fellows</p> <p>7 driving the van, standard shift, some</p> <p>8 guys don't know how to drive standard.</p> <p>9 Q. Do you recall the process by</p> <p>10 which you would have changed the clutch</p> <p>11 in the van, what you would have done?</p> <p>12 A. Little bits and pieces on a</p> <p>13 clutch.</p> <p>14 Q. To the best of your</p> <p>15 recollection, how would you go about</p> <p>16 changing the clutch in the van?</p> <p>17 A. I think most of my work was on</p> <p>18 the brakes.</p> <p>19 Q. Right. And then you testified</p> <p>20 to the brake work yesterday but with</p> <p>21 regards to the clutch work, do you recall</p> <p>22 what you would have done in order to</p> <p>23 change the clutch on the van?</p> <p>24 A. Not offhand, I'm drawing a blank</p> <p>25 there.</p>	<p style="text-align: right;">Page 364</p> <p>1 while too.</p> <p>2 Q. But do you recall doing any</p> <p>3 brake jobs on the four door Buick?</p> <p>4 A. Yeah, probably a couple. Brake</p> <p>5 jobs were very easy, much easier than a</p> <p>6 clutch.</p> <p>7 Q. Do you recall what brand of</p> <p>8 brake you would have used on the four</p> <p>9 door Buick?</p> <p>10 A. Bendix.</p> <p>11 Q. Do you recall approximately how</p> <p>12 many brake jobs you may have done on the</p> <p>13 four door Buick?</p> <p>14 A. Didn't you just ask me that</p> <p>15 question?</p> <p>16 Q. No. On the four door Buick you</p> <p>17 testified that you recalled doing Bendix</p> <p>18 or replacing the brakes on the four door</p> <p>19 Buick with Bendix brakes, do you recall</p> <p>20 approximately how many times you would</p> <p>21 have done that?</p> <p>22 A. You're asking me two similar</p> <p>23 questions.</p> <p>24 Q. I'll rephrase the question. You</p> <p>25 owned a four door Buick, correct?</p>

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<p style="text-align: right;">Page 365</p> <p>1 A. Yeah.</p> <p>2 Q. Do you recall doing brake jobs</p> <p>3 on the four door Buick?</p> <p>4 A. Yeah. That was basically a</p> <p>5 family car.</p> <p>6 Q. And you testified that you</p> <p>7 remembered using Bendix brakes when you</p> <p>8 did those brakes jobs, --</p> <p>9 A. Yeah.</p> <p>10 Q. -- correct?</p> <p>11 Do you recall how many times you</p> <p>12 did brake jobs on the four door Buick?</p> <p>13 Just the four door Buick.</p> <p>14 A. Oh, four times that was.</p> <p>15 Q. Approximately four times on the</p> <p>16 four door Buick?</p> <p>17 A. Yeah.</p> <p>18 Q. And you recall using Bendix</p> <p>19 brakes for those jobs, correct?</p> <p>20 A. Yeah.</p> <p>21 Q. Do you remember testifying about</p> <p>22 the 1941 Ford yesterday?</p> <p>23 A. Yeah.</p> <p>24 Q. Do you recall --</p> <p>25 A. I had that car.</p>	<p style="text-align: right;">Page 367</p> <p>1 carburetor apart, you got to give it to a</p> <p>2 regular mechanic, it's so complicated.</p> <p>3 Q. But you did this work yourself?</p> <p>4 A. Yeah, yeah.</p> <p>5 Q. And the Ford, the 1941 Ford you</p> <p>6 purchased, again you purchased that used,</p> <p>7 correct?</p> <p>8 A. Yeah.</p> <p>9 Q. So, do you recall the</p> <p>10 manufacturer of the brakes you would have</p> <p>11 removed from the Ford the first time you</p> <p>12 had to change the brakes?</p> <p>13 A. I don't know the first, what it</p> <p>14 was, I just took it out and bought new</p> <p>15 brakes, brake pads and everything for it.</p> <p>16 Q. The new brakes you put on would</p> <p>17 have been Bendix, correct?</p> <p>18 A. Yeah.</p> <p>19 Q. And did you do additional jobs</p> <p>20 on that 1941 Ford?</p> <p>21 A. Yeah, yeah.</p> <p>22 Q. And you used Bendix for those</p> <p>23 jobs too, correct?</p> <p>24 A. Yeah. I had the '41 Ford about</p> <p>25 six or seven years.</p>
<p style="text-align: right;">Page 366</p> <p>1 Q. Did you do any brake jobs on the</p> <p>2 1941 Ford?</p> <p>3 A. Yeah, on that car.</p> <p>4 Q. And I believe you testified that</p> <p>5 you bought that car for \$50; is that</p> <p>6 correct?</p> <p>7 A. Yeah.</p> <p>8 Q. That's a pretty good deal.</p> <p>9 A. Had no windshield.</p> <p>10 Q. When you bought it it had no</p> <p>11 windshield?</p> <p>12 A. Yeah.</p> <p>13 Q. Do you recall --</p> <p>14 A. I wasn't the richest of kids.</p> <p>15 Q. I understand that.</p> <p>16 Do you recall doing brake jobs</p> <p>17 on that 1941 Ford?</p> <p>18 A. Oh, yeah.</p> <p>19 Q. Do you remember what type of</p> <p>20 brake you would have used when you did</p> <p>21 the brake jobs on the 1941 Ford?</p> <p>22 A. Bendix.</p> <p>23 Q. When you --</p> <p>24 A. There were simpler brake jobs,</p> <p>25 there wasn't as many -- say you take a</p>	<p style="text-align: right;">Page 368</p> <p>1 Q. So, you wouldn't know the name</p> <p>2 of the manufacturer of the brakes</p> <p>3 initially but subsequently it was Bendix,</p> <p>4 correct?</p> <p>5 A. On that, yeah.</p> <p>6 Q. Do you recall being diagnosed</p> <p>7 with lung cancer?</p> <p>8 A. Yeah. When I went -- I found</p> <p>9 out, I found out like a flu, I didn't</p> <p>10 expect it.</p> <p>11 Q. Do you remember when that was?</p> <p>12 A. It was probably about two years</p> <p>13 ago, three years ago.</p> <p>14 Q. That you were diagnosed with</p> <p>15 lung cancer?</p> <p>16 A. Yeah.</p> <p>17 Q. Do you recall going to the</p> <p>18 doctor in 2017?</p> <p>19 (All defendants object)</p> <p>20 A. For lung cancer?</p> <p>21 Q. Yes.</p> <p>22 A. No -- yeah, yeah -- no, I don't</p> <p>23 know. My short-term memory --</p> <p>24 Q. No, I understand that, sir.</p> <p>25 As part of your lung cancer</p>

1 diagnosis, did you have surgery?  
 2 A. Yes.  
 3 Q. Do you remember when that  
 4 surgery was?  
 5 A. That was only about...  
 6 Q. Was that done recently?  
 7 A. Yeah, within the year.  
 8 Q. Do you recall how long after you  
 9 were diagnosed with lung cancer that you  
 10 had the surgery?  
 11 (All defendants object)  
 12 A. I had -- they took out a piece  
 13 of pie slice.  
 14 Q. Do you remember when that  
 15 surgery was?  
 16 A. No, but I know it wasn't too  
 17 long ago.  
 18 Q. Do you remember how much time  
 19 passed between the diagnosis and the  
 20 surgery?  
 21 (All defendants object)  
 22 A. Not too much time, months I  
 23 would say. I don't know how many months,  
 24 six months, eight months, I don't know.  
 25 Q. When the doctor gave you your

1 diagnosis, do you recall what he said to  
 2 you?  
 3 (All defendants object)  
 4 A. They were figuring it was  
 5 asbestos related.  
 6 Q. You remember the doctor saying  
 7 that to you?  
 8 (All defendants object)  
 9 A. Yeah, right. Began with an "R,"  
 10 R-E-something.  
 11 MR. FINLEY: Off the record.  
 12 (Discussion held off the record)  
 13 Q. Do you recall how you felt when  
 14 you were given this diagnosis?  
 15 A. For what, the lung cancer?  
 16 Q. Yes.  
 17 A. I felt fine.  
 18 Q. Do you have any grandchildren?  
 19 A. No.  
 20 Q. Do you have any nieces or  
 21 nephews?  
 22 A. Yes.  
 23 Q. Do you have any grandnieces or  
 24 nephews?  
 25 A. No.

1 Q. Approximately how many nieces  
 2 and nephews do you have?  
 3 A. It's another week for my family  
 4 tree.  
 5 Q. More than one?  
 6 A. Yeah, I got nephews, two nephews  
 7 and that's about it.  
 8 Q. Two nephews, okay. Do they have  
 9 any children?  
 10 A. Yeah.  
 11 Q. Do you know about how many?  
 12 A. They have about -- one nephew  
 13 has two and the other nephew single.  
 14 Q. About how often do you see your  
 15 nephews?  
 16 A. Over the holidays.  
 17 Q. And you have two children still  
 18 alive today, correct?  
 19 A. Right.  
 20 Q. And how often do you see your  
 21 children?  
 22 A. Well, my son lives with me, my  
 23 daughter is about a mile away.  
 24 Q. So, you see them fairly often?  
 25 A. Yeah.

1 Q. Did you tell them about your  
 2 lung cancer diagnosis?  
 3 A. Oh, yeah, they know about it.  
 4 Q. How did they respond to that?  
 5 A. Well, my daughter was in the  
 6 hospital getting diverticulosis surgery.  
 7 She got out, like, two days ago, three  
 8 days ago.  
 9 Q. But do you remember when you  
 10 were given the diagnosis talking to your  
 11 children about it?  
 12 A. Oh, yeah.  
 13 Q. Do you remember how they felt,  
 14 did they tell you how they felt when they  
 15 heard about it?  
 16 A. No, not really because I had so  
 17 many surgeries between my shoulders and  
 18 my knee, my wrist and all, they don't  
 19 want to hear any more about surgery.  
 20 Q. And you're married, correct?  
 21 A. Yes.  
 22 Q. Do you recall when you got  
 23 married?  
 24 A. Yeah, sure. My wife would kill  
 25 me if I don't. December 9th.



<p style="text-align: right;">Page 373</p> <p>1 Q. December 9th, do you remember 2 what year? 3 A. '61. 4 Q. Do you recall approximately how 5 long you were dating your wife before you 6 got married? 7 A. Oh, about seven years. 8 Q. So, you've known your wife for 9 the majority of your life then; is that 10 fair to say? 11 A. Yeah. Since I came out of the 12 service. 13 Q. Did you tell her about your lung 14 cancer diagnosis? 15 A. Oh, yeah. 16 Q. How does she feel about that? 17 A. Just get it done and we'll see. 18 Q. And I believe that you testified 19 that she's dependent on you; is that 20 correct? 21 A. Yeah. 22 Q. I just want to go back quick to 23 your time as a firefighter at the FDNY, 24 did you have any other duties aside from 25 just fighting fires?</p>	<p style="text-align: right;">Page 375</p> <p>1 MR. FINLEY: It's about 11:30, 2 let's take about ten minutes before we 3 continue, ten minute break. 4 (Whereupon, at 11:29 A.M., a short 5 recess was taken) 6 (Back on the record at 11:45 A.M.) 7 CROSS-EXAMINATION 8 BY MR. ORTIZ: 9 Q. Good morning, sir. My name is 10 Nick Ortiz, I'm going to have some 11 questions for you, okay? 12 A. Okay. 13 Q. Same rules apply and I don't 14 want you to guess at any answers. If you 15 do not know an answer to one of my 16 questions, let me know that, okay, sir? 17 A. Okay. 18 Q. And if you need to take a break 19 for any reason, as long as a question is 20 not pending, just let me know, you can 21 take as many breaks as you need, okay? 22 A. Fine. 23 Q. And if you would, please wait 24 until I complete the question before you 25 start your answer and I will wait until</p>
<p style="text-align: right;">Page 374</p> <p>1 A. Yeah. Well, as I got more 2 senior, I ended up driving the -- I drove 3 the rigs for about ten years. 4 Q. The fire trucks? 5 A. Yeah. The engines, the pumpers 6 and stuff. Not the ladder one but the 7 engine. 8 Q. The engine trucks? 9 A. Yeah. 10 Q. Did you have any other duties 11 aside from driving the trucks? 12 A. Well, then after a while some 13 battalions wanted me to come to their aid 14 and just be a personal driver for them 15 and that's what I did with them for a few 16 years. 17 MR. FINLEY: I think that's all 18 the questions I have for you. I'm going 19 to look over my notes but I believe 20 that's all the questions I have for you 21 right now. 22 THE WITNESS: That's enough. 23 MR. FINLEY: Thank you for your 24 time, sir. 25 THE WITNESS: Thank you.</p>	<p style="text-align: right;">Page 376</p> <p>1 you finish your answer before I ask the 2 next question so we're not speaking over 3 each other and the court reporter can 4 take down the questions and answers, 5 okay? 6 A. Okay. 7 Q. Sir, I first of all just want to 8 go back and fill in a couple -- so I'm 9 going to jump around, fill in a couple of 10 blanks here from some of your earlier 11 testimony. 12 Is it accurate, sir, does your 13 son Douglas smoke currently? 14 A. Yes. 15 Q. Is it accurate that as long as 16 your son Douglas has lived in your home, 17 he has smoked in the family home? 18 A. Yeah. Well, we kind of chopped 19 down on that because we gave up smoking, 20 we said it's not fair, we quit smoking, 21 so no more smoking in the house. 22 Q. But as of today Douglas still 23 smokes in the family home, correct? 24 A. Very rarely. He's not terrible 25 himself, he smokes, he smokes at night.</p>

<p style="text-align: right;">Page 377</p> <p>1 Q. Up until the current date, does 2 Douglas still smoke in your presence? 3 A. Only when we're outside, yeah. 4 Q. How about when you're in the car 5 together? 6 A. No, he won't smoke in the car. 7 Q. When was it that you had that 8 discussion to try and have Douglas not 9 smoke as much in the family home, when 10 did that happen? 11 A. He doesn't smoke in the living 12 room, the kitchen, nobody does in the 13 house anymore now. 14 Q. When did that happen, sir? 15 A. Oh, I have to guess. 16 MR. FINLEY: Nobody wants you to 17 guess, if you can recall approximately. 18 A. Approximately about eight years 19 ago. 20 Q. I don't know if this was asked 21 of you but has your son Douglas lived 22 with you throughout his lifetime? 23 A. Yeah. 24 Q. Have you lived in the same home? 25 A. Yeah, unfortunately.</p>	<p style="text-align: right;">Page 379</p> <p>1 any asbestos-containing products or 2 materials during your lifetime? 3 A. No. 4 Q. For any of the doctors that are 5 treating you for your lung cancer, have 6 you told those doctors, have you been 7 truthful with those doctors with any 8 questions they've asked you? 9 A. Oh, yeah. 10 Q. Have any of those doctors asked 11 you about your smoking history? 12 MR. FINLEY: Objection. 13 A. I don't think so. They might 14 have asked just in passing, I don't know, 15 I don't know. 16 Q. As you sit here today, do you 17 remember telling any doctor that's 18 treating you for your lung cancer about 19 your smoking history and how much you 20 smoked and when you smoked? 21 MR. FINLEY: Objection. 22 A. Have doctors asked me that? 23 Q. What I'm asking is just a little 24 different question. Are the doctors that 25 are treating you for your lung cancer</p>
<p style="text-align: right;">Page 378</p> <p>1 MR. FINLEY: We won't tell him you 2 said that. 3 THE WITNESS: Can't kick him out. 4 Q. The doctors that currently treat 5 you for your cancer, sir, did any of the 6 doctors that treat you for your cancer 7 ask you what you did for a living? 8 A. Offhand I can't remember, I 9 don't know. 10 Q. Have you ever told any of the 11 doctors that are treating you for your 12 current condition about any of the 13 equipment or products that you worked 14 with or around in your career? 15 A. I didn't get that full question. 16 Q. Yes, sure. Have you told any of 17 the doctors that are treating you for 18 your current condition about any of the 19 equipment, products or materials that you 20 worked with or around in your working 21 career or did that topic never come up? 22 A. I don't think it ever came up. 23 Q. Did you ever tell any doctor 24 that's treating you for your current 25 condition that you worked with or around</p>	<p style="text-align: right;">Page 380</p> <p>1 condition, -- 2 A. Oh, I don't know. 3 Q. -- has the topic of your smoking 4 history even come up? 5 A. No, I don't think so. 6 Q. I believe you had surgery, one 7 of the surgeries was to -- did you have 8 arteries? 9 A. Yeah, carotid arteries. 10 Q. And I'm sorry if I missed this 11 but when did that happen? 12 A. You're forgiven. 13 Q. Thank you. When did that 14 happen, sir? 15 A. That happened I would say about 16 two years ago at least. 17 Q. Did any doctors tell you that 18 that condition that led to the surgery 19 for your carotid arteries had anything to 20 do with your smoking history? 21 MR. FINLEY: Objection. 22 A. No, no. 23 Q. Counsel had asked you questions 24 and I don't want to go back through this 25 but the times that you smoked and when</p>

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1 you ultimately stopped smoking, from the  
 2 time you started smoking cigarettes until  
 3 the time you ultimately stopped cold  
 4 turkey, did you ever attempt to stop  
 5 smoking in between that time period?  
 6 A. No.  
 7 Q. From the time that you started  
 8 smoking cigars until the time that you  
 9 ultimately stopped smoking cigars cold  
 10 turkey, did you make any attempts to stop  
 11 smoking in between that period?  
 12 A. No.  
 13 Q. And same question for your pipe  
 14 smoking: From the time you started  
 15 smoking the pipe until the time that you  
 16 stopped smoking the pipe, did you make  
 17 any attempts to stop smoking?  
 18 A. No. I see that it wasn't, it  
 19 wasn't worth to smoke now. I'm still  
 20 coughing in the morning and everything,  
 21 that's when I decided okay, cut it all  
 22 out.  
 23 Q. You were asked questions about  
 24 and you testified that you read warnings  
 25 on cigarette packages, I want to ask you

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1 is it accurate to say that before you  
 2 started smoking cigars, you knew that  
 3 smoking tobacco products could cause lung  
 4 cancer?  
 5 MR. FINLEY: Objection.  
 6 A. I think so though.  
 7 Q. And same question --  
 8 MR. ORTIZ: Well, strike that,  
 9 let's just move on.  
 10 Q. Sir, for any of the homes you've  
 11 lived in, have any of those homes been  
 12 tested for radon?  
 13 A. For what?  
 14 Q. For radon.  
 15 MR. FINLEY: Objection.  
 16 A. What is radon?  
 17 Q. Do you know what radon is?  
 18 A. No.  
 19 Q. So, have you had anyone test  
 20 your homes for the presence of radon in  
 21 the homes?  
 22 A. No.  
 23 Q. And you are not aware that any  
 24 of your homes were tested for radon,  
 25 that's accurate?

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1 MR. FINLEY: Objection.  
 2 A. I don't even know what it is.  
 3 Q. Sir, during your time period  
 4 working for the fire department, you were  
 5 asked questions yesterday about what you  
 6 would do when you would fight fires. Is  
 7 it accurate to say that it would be a  
 8 regular occurrence during the time that  
 9 you fought fires that you would have to  
 10 break through walls?  
 11 A. Yes. Oh, that was a truck  
 12 company, I was the engine and I was also  
 13 driving the engine. Other than that the  
 14 breaks were often but if I had a problem,  
 15 I'd go in there and help.  
 16 Q. Is that something that would  
 17 happen in the regular course during the  
 18 time that you worked in the fire  
 19 department?  
 20 A. Oh, yeah, yeah. I had one on  
 21 Atlantic Avenue, ended up being an 8 foot  
 22 thick wall and we finally broke through  
 23 it because we were using everybody and  
 24 that's when we lost three firemen.  
 25 Q. And during the time periods that

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1 you would break through the walls, was it  
 2 your understanding that you were breaking  
 3 through insulation that was in the walls  
 4 as well?  
 5 MR. FINLEY: Objection.  
 6 A. Well, it was a dirty job.  
 7 Q. Was it dirty because of the  
 8 insulation that you were breaking through  
 9 as well?  
 10 A. It could have been dust,  
 11 insulation, deteriorated insulation or  
 12 could have been just deteriorated  
 13 concrete, mortar.  
 14 Q. When you did break through  
 15 walls, did you notice insulation as you  
 16 were breaking through the walls?  
 17 A. No, I didn't.  
 18 Q. When you would break through the  
 19 walls, you testified that that was a  
 20 dusty process?  
 21 A. Oh, yeah.  
 22 Q. You could see dust in the air?  
 23 A. Very obvious.  
 24 Q. And I believe your testimony was  
 25 you were not wearing a mask during that

<p style="text-align: right;">Page 385</p> <p>1 time period, correct?</p> <p>2 A. No. Too hard breathing, just</p> <p>3 put up with the aggravation, do your job</p> <p>4 and get out.</p> <p>5 Q. Rather than wear the mask,</p> <p>6 correct?</p> <p>7 A. Right.</p> <p>8 Q. And did the mask we're talking</p> <p>9 about also include a respirator as well?</p> <p>10 A. No. Just had a mask on that was</p> <p>11 coming from an air tank, had the air tank</p> <p>12 on it.</p> <p>13 Q. So, when you would break through</p> <p>14 these walls or you were present when</p> <p>15 others were breaking through the walls,</p> <p>16 which happened, correct?</p> <p>17 A. Yeah.</p> <p>18 Q. The dust that was created from</p> <p>19 the walls, did you breathe that dust in?</p> <p>20 A. Oh, yeah, I had to. Had no mask</p> <p>21 on.</p> <p>22 Q. And did that occur each and</p> <p>23 every time that you broke through the</p> <p>24 walls or others were breaking through the</p> <p>25 walls in your presence?</p>	<p style="text-align: right;">Page 387</p> <p>1 A. Never really treated, I just</p> <p>2 threw up, got rid of it. Took two</p> <p>3 minutes before we went back in and fought</p> <p>4 the fire.</p> <p>5 Q. Is that something, sir, that</p> <p>6 occurred during a regular course when you</p> <p>7 fought fires?</p> <p>8 A. Not usually but if you just</p> <p>9 finished a big meal, that usually came</p> <p>10 up.</p> <p>11 Q. Was it regular and frequent when</p> <p>12 you fought the fires that you would</p> <p>13 breathe in smoke?</p> <p>14 A. Oh, yeah.</p> <p>15 Q. Did that happen on each and</p> <p>16 every occasion you fought the fires?</p> <p>17 A. Many, many occasions.</p> <p>18 Q. And is it accurate to say that</p> <p>19 you fought hundreds of fires in your</p> <p>20 career?</p> <p>21 A. Oh, yeah.</p> <p>22 Q. Did you fight thousands of fires</p> <p>23 in your career?</p> <p>24 A. No. My whole career was in Red</p> <p>25 Hook when it first started burning down</p>
<p style="text-align: right;">Page 386</p> <p>1 A. Sometimes we'd have enough air</p> <p>2 in the tanks that we didn't need it.</p> <p>3 Q. For the majority of these</p> <p>4 occasions you were not wearing the --</p> <p>5 using the respirator, the air tank,</p> <p>6 correct?</p> <p>7 A. Right.</p> <p>8 Q. So, on those occasions that you</p> <p>9 were not using the air tank or respirator</p> <p>10 and either you broke through the walls or</p> <p>11 someone broke through the walls in your</p> <p>12 presence, is it accurate to say that you</p> <p>13 breathed in that dust that was created?</p> <p>14 A. Oh, yeah.</p> <p>15 Q. I know you testified yesterday,</p> <p>16 sir, that when you would fight these</p> <p>17 fires, obviously there would be smoke</p> <p>18 present, correct?</p> <p>19 A. Yeah.</p> <p>20 Q. And you were sick to your</p> <p>21 stomach from breathing in the smoke?</p> <p>22 A. Yeah. Just from eating dinner.</p> <p>23 Q. How many times in your career</p> <p>24 were you treated for smoke inhalation?</p> <p>25 MR. FINLEY: Objection.</p>	<p style="text-align: right;">Page 388</p> <p>1 and then it all burned down. And now</p> <p>2 it's all yuppie-yuppie land, it's all</p> <p>3 built up beautiful.</p> <p>4 Q. Okay, sir, I'm going to move to</p> <p>5 your time period working for the Brooklyn</p> <p>6 Navy Yard, okay, sir?</p> <p>7 A. Okay.</p> <p>8 Q. All right, sir, you testified,</p> <p>9 in fact today you testified that when you</p> <p>10 were assigned at the Brooklyn Navy Yard</p> <p>11 you were assigned to shop 17, --</p> <p>12 A. Right.</p> <p>13 Q. -- correct? And you worked at</p> <p>14 shop 17 for a year and a half before you</p> <p>15 were transferred, correct?</p> <p>16 A. Short staff.</p> <p>17 Q. Do you remember when in -- you</p> <p>18 had the years 1959 and 1960 as a start</p> <p>19 date, do you know when your start date</p> <p>20 was, what month?</p> <p>21 A. Start date?</p> <p>22 Q. When did you start at the</p> <p>23 Brooklyn Navy Yard, what month?</p> <p>24 A. Oh, I don't know.</p> <p>25 Q. You worked at the Brooklyn Navy</p>

1 Yard till somewhere around 1961, '62 time  
2 period, approximate dates, sir, correct?  
3 A. Yeah.  
4 Q. Do you know what month you ended  
5 at the Brooklyn Navy Yard?  
6 A. When I quit it for good?  
7 Q. Yes.  
8 A. I would say that would be in --  
9 '61 or '62 -- when did I get out of the  
10 fire department? I went right from one  
11 to the other.  
12 Q. Do you know what month you  
13 started at the fire department?  
14 A. 2/10 I think.  
15 Q. February 10th?  
16 A. Yeah. Because it was my wife's  
17 birthday.  
18 Q. You worked on some unknown  
19 destroyers for approximately a one year  
20 time period.  
21 A. Yeah.  
22 Q. You talked about the USS  
23 Constellation. Do you know, sir, if the  
24 Constellation was in the water or out of  
25 the water when you worked on the

1 Constellation?  
2 A. In the water.  
3 Q. In the water?  
4 A. Just listing.  
5 Q. Sorry?  
6 A. Listing badly.  
7 Q. I just couldn't -- I didn't hear  
8 what you said, sir, I'm sorry.  
9 A. It was listing badly. I think  
10 the fire department nearly sank it, then  
11 it was in dry dock, had to pour so much  
12 water on it.  
13 Q. Given that you were in shop 17  
14 for a year and a half and you were on the  
15 destroyers for another year, would it be  
16 accurate that if you looked at the time  
17 you were on the Constellation since you  
18 were only at the Brooklyn Navy Yard for  
19 approximately one to two years, that you  
20 were only on the Constellation for a  
21 short period of time?  
22 MR. FINLEY: Objection.  
23 A. No. When I was on the --  
24 there's an overlapping in the year and a  
25 half and then the year when I was in shop

1 17, and then another period there, that  
2 was the same time period.  
3 Q. Are you saying the overlapping  
4 time period?  
5 A. That period was over...  
6 Q. So, the times you were on the  
7 USS Constellation was not -- what's the  
8 word I'm looking for -- long durations  
9 just on the Constellation, you could be  
10 back and forth between the Constellation  
11 and shop 17, correct?  
12 A. Yeah, could, but they didn't put  
13 us back to shop 17, they put us on the  
14 smaller ships.  
15 Q. So, over the time period, over a  
16 one year time period you could be on the  
17 Constellation, correct?  
18 A. Yeah. But I could have, could  
19 be on the Constellation, which I could  
20 also be in the shop a little bit, you  
21 know.  
22 Q. And that's what I just want to  
23 follow up on. So, if we just looked at  
24 the time that you were only on the  
25 Constellation, understanding that it may

1 not be cumulative -- may not be  
2 consecutive days that you were there --  
3 A. Okay.  
4 Q. -- but if we just looked at the  
5 time on the Constellation, just there,  
6 not on the shop and not on the  
7 destroyers, and if you added that time  
8 period up --  
9 A. Well, I used to bounce back and  
10 forth, that's what I mean overlap, I used  
11 to bounce back from the destroyers to the  
12 shop or the Constellation.  
13 Q. I understand.  
14 A. They needed me to fill in where  
15 they needed work.  
16 Q. So, let me just get the question  
17 out so that we're on the same page. If  
18 we just took the time that you were  
19 physically on the Constellation and not  
20 in the shop and not on the destroyers, --  
21 A. Okay.  
22 Q. -- just that time period, are we  
23 talking about a month or two?  
24 MR. FINLEY: Objection.  
25 Q. Just on the Constellation itself

1 and not anywhere else.  
 2 A. I was on the Constellation more  
 3 than a month or two.  
 4 Q. So, what's your best estimate?  
 5 A. I don't know, I would call it  
 6 over a year anyway.  
 7 Q. Now, let me just ask you some  
 8 questions, sir. The U.S. Government,  
 9 were they your employer? You were  
 10 working for the union, was the union  
 11 hired by the government to do the work?  
 12 A. I don't know that.  
 13 Q. Do you know one way or the  
 14 other --  
 15 MR. ORTIZ: Strike that, I'm  
 16 sorry.  
 17 Q. Did the U.S. Navy have a  
 18 presence on the Constellation when you  
 19 would be on the Constellation?  
 20 A. Yeah, they were there every day.  
 21 Q. Would it be accurate that the  
 22 U.S. Navy would oversee the work that was  
 23 done on the Constellation?  
 24 A. Yeah. They set up fire watches  
 25 and everything because they didn't want

1 another fire.  
 2 Q. Is it accurate that the navy  
 3 directed the work that was to be  
 4 performed on the Constellation?  
 5 MR. FINLEY: Objection.  
 6 A. We had supervisors on the ship  
 7 overseeing the work I was doing,  
 8 overseeing the work that the guys working  
 9 for me were doing but we were responsible  
 10 for our jobs and I guess the supervisors,  
 11 the same, same supervisors on the ship  
 12 every day.  
 13 Q. And when you say supervisors,  
 14 were these navy personnel?  
 15 A. No, civilian.  
 16 Q. Did your supervisors report to  
 17 the navy?  
 18 A. I don't know. I think so.  
 19 Q. Do you know if the work that you  
 20 performed on the Constellation or the  
 21 other destroyers was ultimately  
 22 controlled and supervised by the navy?  
 23 MR. FINLEY: Objection.  
 24 A. Well, now you're getting down to  
 25 the lower echelon of labor, so I think we

1 were just supervised by supervisors and  
 2 they didn't answer to the navy for any  
 3 direction.  
 4 Q. Do you know if they answered to  
 5 the navy; you do not know one way or the  
 6 other?  
 7 A. No, no.  
 8 Q. The Constellation itself, sir,  
 9 that was an extremely large vessel?  
 10 A. Oh, yeah.  
 11 Q. Was it a carrier?  
 12 A. Yeah, a carrier.  
 13 Q. Just as a frame of reference, if  
 14 we took the Constellation and put it down  
 15 in Manhattan and stood it from top to  
 16 bottom, would it be taller than  
 17 skyscrapers down in Manhattan?  
 18 MR. FINLEY: Objection.  
 19 A. I never measured it.  
 20 Q. Did you know that -- do you know  
 21 one way or the other, were there  
 22 thousands of different compartments on  
 23 the Constellation?  
 24 A. Yeah, thousands. Yeah, I think  
 25 there were over 3,000 rooms.

1 Q. Obviously you did not work in  
 2 every compartment, correct?  
 3 A. No, but I got lost in a lot of  
 4 them.  
 5 Q. It would be easy to get lost,  
 6 right, because of how large it was?  
 7 A. There was no -- everything was  
 8 -- there was no exit signs, no nothing.  
 9 Q. You, sir, were a sheet metal  
 10 worker, correct?  
 11 A. Correct.  
 12 Q. Your responsibility was to  
 13 fabricate, to cut, to weld and work with  
 14 steel, correct?  
 15 A. Anything, aluminum, brass.  
 16 Q. Any metal, correct?  
 17 A. Yeah, yeah.  
 18 Q. You were never trained at all to  
 19 work on any equipment, correct?  
 20 A. No, not really.  
 21 Q. That's correct?  
 22 A. Yeah.  
 23 Q. Today for the first time you  
 24 were asked questions --  
 25 MR. ORTIZ: Let me just put on the

1 record because the questions I'm going  
2 to ask now I made many objections to the  
3 questions by plaintiff's counsel, I'm  
4 going to ask these questions pending a  
5 ruling on those objections as a courtesy  
6 to plaintiff given his health and to  
7 plaintiff's counsel.

8 MR. FINLEY: Sure.

9 MR. ORTIZ: Without waiving any of  
10 those objections.

11 MR. FINLEY: Understood.

12 Q. Sir, you were asked questions  
13 for the first time today about pumps,  
14 okay?

15 A. Yeah.

16 Q. First of all, is it fair to say  
17 that you have never received training on  
18 working on pumps, correct?

19 MR. CURTIS: Form.

20 A. I -- pumps, I worked on pumps  
21 training different -- I have pumps at  
22 home and I worked on mine but I don't  
23 have any idea how to do it.

24 Q. The pumps you worked with in  
25 your home have nothing to do with your

1 current diagnosis, correct?

2 A. No, because I used to remove  
3 water in the basement and things like  
4 that.

5 Q. A sump pump?

6 A. Yeah.

7 Q. The pumps that you've testified  
8 to on the Constellation, it's fair to say  
9 that you never worked on those pumps,  
10 correct?

11 MR. CURTIS: Form.

12 A. Correct.

13 Q. You never received any training  
14 to work on those pumps because you were a  
15 sheet metal worker, correct?

16 MR. CURTIS: Form.

17 A. Right.

18 Q. If I asked you to just tell me  
19 what the pump looked like on the  
20 Constellation, could you do that?

21 MR. CURTIS: Form.

22 A. No, I don't think so because I  
23 didn't watch them on the Constellation, I  
24 would just walk on by.

25 Q. If I asked you to tell me the

1 size of any pump on the Constellation,  
2 could you do that?

3 A. No.

4 MR. CURTIS: Form.

5 Q. If I asked you to tell me the  
6 color of any pump on the Constellation,  
7 could you do that?

8 A. Well, most of them were white  
9 that I know of, most of them were white.

10 Q. Do you know if that was an  
11 original color or if they were painted?

12 MR. CURTIS: Form.

13 A. I don't know if they were  
14 painted.

15 Q. You don't know one way or the  
16 other?

17 A. No.

18 Q. Is it accurate, sir, that -- do  
19 you know if there was various different  
20 systems that existed on the  
21 Constellation, do you know one way or the  
22 other as a sheet metal worker?

23 MR. CURTIS: Form.

24 Q. Systems.

25 A. For what?

1 Q. For the vessel to operate.

2 A. Oh, yeah, there had to be.

3 Q. Do you know what those systems  
4 were?

5 MR. CURTIS: Form.

6 A. Had dozens of systems.

7 Q. Do you know the systems?

8 A. No.

9 Q. For any pump that you observed  
10 on the Constellation, would it be  
11 accurate to say that you could not  
12 describe that pump based on which system  
13 it was associated with?

14 MR. CURTIS: Form.

15 A. Absolutely.

16 Q. That would be correct, you could  
17 not?

18 A. Yes, I could not.

19 Q. If I asked you to provide the --  
20 to describe the function of any pump that  
21 was on the Constellation that you  
22 observed, could you do that?

23 MR. CURTIS: Form.

24 A. That's how it was doing by  
25 looking at the pump?

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1 Q. Yes.

2 A. No.

3 Q. If I asked you to tell me what

4 was flowing through any pump that you

5 observed on the Constellation, could you

6 do that?

7 MR. CURTIS: Form.

8 A. No.

9 Q. If I asked you to tell me the

10 temperature of anything that was flowing

11 through any pump on the Constellation,

12 could you do that?

13 MR. CURTIS: Form.

14 A. No.

15 Q. If I asked you for the age of

16 any pump on the Constellation, could you

17 do that, --

18 MR. CURTIS: Form.

19 Q. -- could you give me that?

20 A. No.

21 Q. Would it be accurate that you

22 would not know how many times a pump may

23 have been worked on on the Constellation

24 before you first observed it; --

25 MR. CURTIS: Form.

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1 A. No.

2 Q. -- is that true?

3 A. No.

4 Q. Is that true?

5 A. True, yeah.

6 MR. CURTIS: Form.

7 Q. Would you know the maintenance

8 history for any pump that was on the

9 Constellation?

10 A. No.

11 MR. CURTIS: Form.

12 MR. FINLEY: Objection.

13 Q. Did you read any manuals for any

14 pumps on the Constellation?

15 MR. CURTIS: Form.

16 A. No, not really.

17 Q. Did you read any specifications

18 for any pumps on the Constellation?

19 MR. CURTIS: Form.

20 A. No. That wasn't my field.

21 Q. I understand that. I'm just

22 going to ask you these questions -- I

23 understand it was not your field, that's

24 why I'm just asking.

25 You said there was about 3,000

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1 different compartments on this

2 Constellation.

3 A. At least.

4 Q. If I asked you to describe for

5 me the designation of any of those

6 compartments where you observed a pump,

7 could you do that for me?

8 MR. CURTIS: Form.

9 A. Now?

10 Q. Yes.

11 A. No, no. I'm lucky I find myself

12 a home.

13 Q. For any pump that you observed

14 on the Constellation, is it fair, sir,

15 that you could not tell me if anyone was

16 working on a pump in your presence on the

17 Constellation?

18 MR. CURTIS: Form.

19 MR. FINLEY: Objection.

20 A. No.

21 Q. Is that accurate?

22 A. Yeah.

23 MR. CURTIS: Form.

24 MR. FINLEY: Do you understand his

25 question?

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1 THE WITNESS: If a pump was

2 working, it looked like it's working.

3 MR. FINLEY: That's not the

4 question he asked you.

5 A. Rephrase it then.

6 Q. All right, sir. And if you do

7 not understand one of my questions,

8 you'll tell me that, okay?

9 A. Yeah, okay.

10 Q. Sir, for any pump that you

11 observed -- first of all, let me ask you

12 this: How many pumps were there on the

13 Constellation, would you know one way or

14 the other?

15 A. No.

16 Q. For any compartment that you

17 were in on the Constellation, could you

18 tell me how many pumps were in per any

19 compartment?

20 A. No.

21 MR. CURTIS: Let me just make a

22 blanket objection to all the pump

23 inquiries so I don't keep chirping.

24 MR. ORTIZ: That's fine.

25 MR. CURTIS: Thanks.



1 Q. Were you in any compartments --  
2 MR. ORTIZ: Strike that.  
3 Q. Is it accurate to say that the  
4 majority of the compartments that you  
5 entered on the Constellation, there was  
6 not even a pump present?  
7 MR. FINLEY: Objection.  
8 A. I don't know.  
9 Q. You don't know one way or the  
10 other?  
11 A. No.  
12 Q. You mentioned that there were  
13 plumbers working on the Constellation,  
14 are you sure about that?  
15 A. When they were working on the  
16 pumps, I assumed they were hooking up the  
17 pumps to where they had to be working on  
18 them.  
19 Q. Well, you're assuming that and I  
20 really don't want you to assume here  
21 because I'm going to ask you about facts  
22 and what you recall.  
23 A. Well, how did they get on a  
24 boiler, isn't that a --  
25 Q. Let me just follow up on

1 questions with you, okay, sir?  
2 A. Okay.  
3 Q. For any pump that you observed  
4 on the Constellation, is it accurate to  
5 say that you never saw any other  
6 individuals work on that pump?  
7 MR. FINLEY: Objection.  
8 A. I saw --  
9 Q. Is that accurate?  
10 A. I saw them working on the pump  
11 but I didn't know what they were doing.  
12 Q. How many times did you actually  
13 see someone work on a pump as opposed to  
14 any other piece of equipment?  
15 A. You mean working on a pump  
16 and --  
17 Q. Just on a pump and I'll follow  
18 up on that but I want to ask you just on  
19 a pump, can you say that you saw someone  
20 in your presence working on a pump on the  
21 Constellation more than one time, can you  
22 say one way or the other?  
23 MR. FINLEY: Objection.  
24 A. No, I don't think so.  
25 Q. So, for that one occasion where

1 you saw someone working on a pump on the  
2 Constellation, is it fair to say you do  
3 not know what they were doing on the  
4 pump?  
5 MR. FINLEY: Objection.  
6 A. I don't -- if they were working  
7 on the pump, I don't know what was wrong  
8 with the pump.  
9 Q. On that one occasion where you  
10 saw other individuals working on a pump  
11 in your presence, is it accurate to say  
12 that you do not know what compartment  
13 they were in when they were working on  
14 the pump?  
15 A. Yes.  
16 Q. So, do you have an understanding  
17 that these various compartments on the  
18 Constellation had designations?  
19 MR. FINLEY: Objection.  
20 A. Yeah.  
21 Q. You know that, okay. Do you  
22 know how the compartments were  
23 designated? For instance, you were asked  
24 questions over objection by your counsel  
25 about boiler rooms and engine rooms; do

1 you remember those questions or do you  
2 not remember them?  
3 A. No. Continue with the question.  
4 Q. Well, do you remember being  
5 asked by your counsel about questions  
6 pertaining to the boiler rooms on the  
7 Constellation, do you remember that or  
8 not?  
9 A. What questions?  
10 Q. Do you remember your counsel  
11 asking you questions about boiler rooms  
12 on the Constellation?  
13 A. Asked me about where were they  
14 located.  
15 Q. Do you remember or not?  
16 A. Well, I probably answered  
17 negative.  
18 MR. FINLEY: Do you remember me  
19 asking you those questions?  
20 MR. ORTIZ: Counsel, I'll ask the  
21 questions.  
22 A. Not offhand.  
23 Q. You do not, okay.  
24 MR. FINLEY: Are you okay?  
25 THE WITNESS: Yeah.

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<p style="text-align: right;">Page 409</p> <p>1 Q. Sir, let me ask you, do you know 2 how many boiler rooms were on the 3 Constellation? 4 A. No. 5 Q. Do you know if there was more 6 than one boiler room on the 7 Constellation? 8 A. No, but I assume. 9 Q. Do you know how many engine 10 rooms there were on the Constellation? 11 A. No. 12 Q. Do you know if there was any 13 machinery rooms on the Constellation? 14 A. I know there were but I didn't 15 see them. 16 Q. Okay, you didn't see them. 17 Is it accurate to say, sir, that 18 you could not tell me which boiler room 19 you ever entered on the Constellation by 20 designation or name? 21 A. Yes, that's accurate. 22 Q. Is it accurate that you could 23 not tell me what engine room you ever 24 entered on the Constellation by 25 designation or name; is that accurate?</p>	<p style="text-align: right;">Page 411</p> <p>1 A. That's true. 2 Q. And just regardless of the 3 number of times that you may have 4 observed pumps on the Constellation, you 5 could not tell me where those pumps were 6 by any type of designation, correct? 7 A. Correct. 8 Q. You could not tell me where 9 those pumps were by telling me the type 10 of pump it was, the function or which 11 system it was associated with, correct? 12 A. Correct. 13 Q. So, if I wanted to try and 14 figure out where any pump was located 15 when you walked by a pump or you may have 16 seen somebody near a pump or working on 17 it, it would be unable to give you -- for 18 you to give me any facts or information 19 to describe where that pump would be 20 located on the Constellation? 21 A. Correct. 22 Q. And would your answer be the 23 same regardless if anybody else asked you 24 those questions in the future? 25 A. Yeah, I wouldn't know.</p>
<p style="text-align: right;">Page 410</p> <p>1 A. Yes. 2 Q. Thinking back, sir, on this pump 3 that you recall somebody working on in 4 your presence, do you know what that pump 5 was -- 6 A. I think it wasn't on pumps every 7 day but I would just walk by, not pay 8 much attention to them. They had them on 9 the floor but... 10 MR. CURTIS: Move to strike as 11 unresponsive. 12 MR. ORTIZ: Join. 13 MR. FINLEY: Oppose. 14 Q. So, when you would be walking by 15 and anybody was working on a pump in your 16 presence or -- 17 MR. ORTIZ: Strike that. 18 Q. When you would be walking by, 19 did you just assume that individuals were 20 working on pumps? 21 A. Yes. 22 Q. You did not know if these 23 individuals were working on pumps as 24 opposed to any other piece of equipment, 25 true?</p>	<p style="text-align: right;">Page 412</p> <p>1 Q. The plumbers that you testified 2 to, were they union plumbers? 3 A. Oh, I don't know. 4 Q. You don't know. 5 A. I don't even know if I was a 6 union worker. 7 Q. You do not know? 8 A. No. 9 Q. And that's during the time you 10 were at the Brooklyn Navy Yard? 11 A. Yeah. 12 Q. Your counsel asked you about 13 plumbers and if you were friendly with 14 the plumbers. Did you have friends that 15 were plumbers in the Brooklyn Navy Yard? 16 A. No, not really. 17 Q. No? 18 A. I made friends there. 19 Q. If I asked you for the names of 20 any of those individuals, could you give 21 them to me? 22 A. No, no. Less than 50 years ago 23 I couldn't. 24 Q. Sir, you testified that you 25 yourself would remove insulation on the</p>

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1 piping; do you remember that testimony?  
 2 A. Yeah.  
 3 Q. And others removed insulation on  
 4 this overhead piping, correct?  
 5 A. Yeah.  
 6 Q. Was it your understanding that  
 7 the insulation that was on the piping  
 8 contained asbestos?  
 9 A. No, I don't think so.  
 10 Q. You don't know one way or the  
 11 other?  
 12 A. No.  
 13 Q. Did the piping, the overhead  
 14 piping that was on the Constellation run  
 15 through every single compartment on that  
 16 vessel?  
 17 A. Oh, I don't know.  
 18 Q. Is the reason, sir, that you  
 19 could not answer any specific questions  
 20 concerning pumps because your job as a  
 21 sheet metal worker had nothing to do with  
 22 the equipment that was on the vessel,  
 23 correct?  
 24 A. Correct.  
 25 Q. All of your attention that

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1 was --  
 2 MR. ORTIZ: Strike that.  
 3 Q. Your attention on the  
 4 Constellation was diverted to your work  
 5 that was dealing with metal that was in  
 6 the bulkheads and the beams, correct?  
 7 A. Right.  
 8 Q. Sir, is it accurate that you  
 9 never saw anyone working with any type of  
 10 insulation regarding the pumps; is that  
 11 accurate?  
 12 MR. FINLEY: Objection.  
 13 A. Pumps, I don't know what -- they  
 14 had to be working with some sort of  
 15 insulation with the pipes going through  
 16 there.  
 17 Q. That's what I was going to ask  
 18 you. So, the insulation that you  
 19 observed on the Constellation, is it  
 20 accurate to say that the insulation you  
 21 observed was work by you or others on  
 22 pipes that was running through the  
 23 Constellation, not on any equipment,  
 24 correct?  
 25 A. I would think that's correct.

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1 Q. Do you know where the insulation  
 2 that was used on this piping through the  
 3 Constellation, do you know if that was  
 4 provided by the navy?  
 5 MR. FINLEY: Objection.  
 6 A. I don't know.  
 7 Q. You don't know one way or the  
 8 other?  
 9 A. (Nodding in the negative)  
 10 Q. Do you know where the insulation  
 11 that was used on the Constellation was  
 12 provided?  
 13 MR. FINLEY: Objection.  
 14 Q. Who supplied it, do you know who  
 15 did that?  
 16 A. I don't know.  
 17 Q. For any insulation that was --  
 18 that either you removed or was removed in  
 19 your presence, would it be accurate to  
 20 say that you would have no idea when that  
 21 insulation was installed?  
 22 MR. FINLEY: Objection.  
 23 A. Right.  
 24 Q. And would it be fair to say,  
 25 sir, that you would have no facts or

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1 information to say whether any of the  
 2 insulation that either you removed or was  
 3 removed in your presence was installed  
 4 after the equipment was installed?  
 5 MR. FINLEY: Objection.  
 6 MR. ORTIZ: I'll strike that too.  
 7 A. What was that last question?  
 8 Q. I'll rephrase it. Do you need a  
 9 break, sir, are you okay?  
 10 A. No, I'm okay.  
 11 Q. Do you want some water?  
 12 A. I'm getting a cold. No, I don't  
 13 need that.  
 14 Q. Was it your understanding, sir,  
 15 that the equipment that was on the  
 16 Constellation did not come with any  
 17 insulation; is that fair?  
 18 MR. FINLEY: Objection.  
 19 A. Yeah, I couldn't tell.  
 20 Q. You wouldn't know one way or the  
 21 other, right?  
 22 A. No.  
 23 Q. Is that accurate?  
 24 A. Yeah.  
 25 Q. And sir, you would have no facts

<p>Page 417</p> <p>1 or information that any of the pump 2 manufacturers specified for any 3 asbestos-containing product or material 4 to be applied or installed to pumps, 5 correct? 6 A. Right, yeah. 7 MR. FINLEY: Objection. 8 Q. You would not know, that's 9 accurate? 10 A. Yeah. I read up, I usually 11 didn't read up on a pump. 12 Q. I understand, that wasn't your 13 responsibility, correct? 14 A. (Nodding in the affirmative) 15 Q. Sir, in those other naval 16 destroyers that you worked on, did you 17 also work on the pipe insulation that ran 18 through those vessels as well? 19 A. I don't know. I think I -- I 20 know I did the bulkhead walls on those 21 but I don't know if I worked on the 22 pipes. 23 Q. Do you remember seeing pipes 24 that ran through every compartment on 25 those vessels?</p>	<p>Page 419</p> <p>1 MR. FINLEY: Off the record. 2 (Discussion held off the record) 3 CROSS-EXAMINATION 4 BY MR. CARNI: 5 Q. Good afternoon, Mr. Brown. 6 A. Good afternoon. 7 Q. My name is Uri Carni. Are you 8 okay to continue? 9 A. Sure. 10 Q. When your lawyer was asking you 11 questions a little bit earlier today, you 12 testified that you saw dust in the boiler 13 room that you inhaled; do you recall that 14 testimony? 15 A. Yeah. 16 Q. And you further testified when 17 your lawyer was asking you questions that 18 you guess that dust was asbestos; do you 19 remember that? 20 A. Not really but I can understand 21 saying it. 22 Q. Why do you guess that the dust 23 you saw in the boiler room contained 24 asbestos? 25 MR. FINLEY: Objection.</p>
<p>Page 418</p> <p>1 A. Oh, yeah. 2 Q. Were those pipes insulated as 3 well? 4 A. I didn't particularly notice. 5 Q. Do you remember seeing dust 6 coming from pipes on the vessels? 7 A. There's always dust in those 8 rooms. 9 Q. Did you breathe that dust in? 10 A. Did I breathe in what? 11 Q. Did you breathe that dust in? 12 A. Oh, breathe it in, sure. 13 Q. Sir, at any time did the navy 14 ever provide you with any warnings about 15 the hazards of asbestos? 16 A. The navy? 17 Q. Yes. 18 A. No, I don't know. 19 MR. ORTIZ: All right, sir, I 20 think I'm going to check my notes, thank 21 you for your time. If I have any 22 follow-ups, I'll come back. 23 THE WITNESS: Do your notes ever 24 end? 25 MR. ORTIZ: They usually do.</p>	<p>Page 420</p> <p>1 MR. CARNI: I'll rephrase. 2 Q. What's the basis for your guess 3 that the dust you saw in the boiler room 4 contained asbestos? 5 A. I don't know if there was a 6 reason for it. Oh, because of the piping 7 having asbestos, having a covering on it. 8 Q. So, you believe that the dust 9 that you inhaled in the boiler room which 10 had asbestos came from the piping; is 11 that what you're saying? 12 A. The covering, yeah. 13 Q. The insulation on the piping? 14 A. Yeah. 15 MR. CARNI: All right, that's all 16 I have for now, thank you. 17 THE WITNESS: Thanks for being 18 short. 19 MR. CARNI: My pleasure. 20 MR. FINLEY: Does anybody have 21 short questions before I give him a 22 lunch break? 23 Off the record. 24 (Discussion held off the record) 25 CROSS-EXAMINATION</p>

<p style="text-align: right;">Page 421</p> <p>1 BY MR. LARANCIENT:</p> <p>2 Q. Good afternoon, Mr. Brown.</p> <p>3 A. Good afternoon.</p> <p>4 Q. Again, my name is Illianov Lopez</p> <p>5 Larancuent. I'm just going to be</p> <p>6 following up on some of the things that</p> <p>7 you told your attorney.</p> <p>8 A. Okay.</p> <p>9 Q. Yesterday you testified that you</p> <p>10 purchased a used 1941 Ford around 1955</p> <p>11 for \$50, correct?</p> <p>12 A. Yes.</p> <p>13 Q. So, this 1941 Ford was about</p> <p>14 fourteen years old when you purchased it?</p> <p>15 A. Yeah, yeah.</p> <p>16 Q. And when you purchased it, you</p> <p>17 didn't know the maintenance history of</p> <p>18 this car, correct?</p> <p>19 A. No.</p> <p>20 Q. What condition was this 1941</p> <p>21 Ford when you purchased it?</p> <p>22 A. It had, it had a banged in rear</p> <p>23 left fender, it had no front windshield</p> <p>24 and it was through a fellow that lived on</p> <p>25 my block.</p>	<p style="text-align: right;">Page 423</p> <p>1 Q. Do you know if it had over</p> <p>2 30,000 miles?</p> <p>3 A. Probably did.</p> <p>4 Q. Would it have had over 60,000</p> <p>5 miles?</p> <p>6 A. No, I don't think that.</p> <p>7 Q. So, it had somewhere in</p> <p>8 between --</p> <p>9 A. 60,000 miles back then was a lot</p> <p>10 of mileage.</p> <p>11 Q. Would it have had over 50,000</p> <p>12 miles?</p> <p>13 A. Let's keep it at 50.</p> <p>14 Q. So, fair to say that it would</p> <p>15 have been highly unusual for a car with</p> <p>16 50,000 miles to have original brakes on</p> <p>17 it?</p> <p>18 A. Oh, yeah, I think so.</p> <p>19 Q. Practically impossible, correct?</p> <p>20 A. Yeah.</p> <p>21 MR. LARANCIENT: I have no further</p> <p>22 questions, thank you.</p> <p>23 THE WITNESS: All right.</p> <p>24 MR. FINLEY: Anybody else have</p> <p>25 questions?</p>
<p style="text-align: right;">Page 422</p> <p>1 Q. Fair to say it wasn't in mint</p> <p>2 condition?</p> <p>3 A. No, it wasn't in mint. I bought</p> <p>4 it in January, February, January or</p> <p>5 February.</p> <p>6 Q. So, this car needed a lot of</p> <p>7 repair work?</p> <p>8 A. Yeah.</p> <p>9 Q. The tires were worn down?</p> <p>10 A. Oh, I don't know offhand.</p> <p>11 Q. Did the car have dings, dents</p> <p>12 and scratches on the body?</p> <p>13 A. Oh, yeah, it had a dent, the</p> <p>14 rear fender was --</p> <p>15 Q. Do you know how many miles this</p> <p>16 Ford had, this 1941 Ford?</p> <p>17 A. No. The engines were good, very</p> <p>18 good.</p> <p>19 Q. Was it a high mileage vehicle</p> <p>20 when you purchased it fourteen years --</p> <p>21 A. It was pre-owned but I knew the</p> <p>22 guy who had it.</p> <p>23 Q. How many miles can you estimate</p> <p>24 that the vehicle had?</p> <p>25 A. Oh, I don't know, I don't know.</p>	<p style="text-align: right;">Page 424</p> <p>1 Off the record.</p> <p>2 (Discussion held off the record)</p> <p>3 MR. FINLEY: Why don't we stop</p> <p>4 right now and we'll come back after</p> <p>5 lunch.</p> <p>6 (Whereupon, at 12:36 P.M., a lunch</p> <p>7 recess was taken)</p> <p>8 (Back on the record at 1:51 P.M.)</p> <p>9 CROSS-EXAMINATION</p> <p>10 BY MS. MACSTEEL:</p> <p>11 Q. Good afternoon, sir. My name is</p> <p>12 Genevieve MacSteel and I'm from the law</p> <p>13 firm of Darger, Errante, Yavitz and Blau.</p> <p>14 I wanted to ask you about the</p> <p>15 Fred Brown Painting Company, do you</p> <p>16 recall when you first started that</p> <p>17 business?</p> <p>18 A. The date?</p> <p>19 Q. Or the year?</p> <p>20 A. I could come up with one because</p> <p>21 I started early. Let's see, I got out of</p> <p>22 the service, got out of the service about</p> <p>23 '55 --</p> <p>24 THE WITNESS: The zone area, '55</p> <p>25 and what?</p>

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1 MR. FINLEY: Do you recall  
2 approximately when you started your side  
3 business?  
4 THE WITNESS: As soon as I got  
5 back from the service, that was --  
6 MR. FINLEY: I can't.  
7 THE WITNESS: Oh, you can't say  
8 that.  
9 Q. Well, let me ask you this: You  
10 already were working as a New York City  
11 firefighter at the time, correct?  
12 A. When I was making?  
13 Q. When you had your side job --  
14 A. Yes.  
15 Q. -- you were already in the fire  
16 department, correct?  
17 A. Yes, yes.  
18 Q. Do you recall how long after you  
19 were in the fire department that you  
20 started the side jobs, if it was years  
21 later or --  
22 A. Oh, no. I worked, I worked in  
23 the fire department for seven or eight,  
24 about seven or eight years before I  
25 started the painting. I started off very

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1 small, just me myself.  
2 Q. Do you recall when you started  
3 with the fire department?  
4 MR. FINLEY: Objection, asked and  
5 answered.  
6 A. Well, I'll try and get a  
7 starting date on this. About '52 -- I'm  
8 terrible with dates.  
9 Q. It's okay. So, approximately  
10 seven years after you started with the  
11 fire department you started your  
12 business, correct?  
13 A. Started what?  
14 Q. Your side business, the Fred --  
15 A. Yeah.  
16 Q. -- Brown Painting, correct?  
17 A. When did I start in the fire  
18 department?  
19 Q. That's okay if --  
20 MR. FINLEY: You testified to it  
21 already in the record.  
22 Q. Yes, it's in the record, so  
23 that's okay. I'm just trying to get a  
24 time frame if you were able to give me  
25 that, so that's fine if it's seven years

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1 after, that's fine.  
2 A. Seven years.  
3 Q. And was that company ever  
4 registered with the state?  
5 MR. FINLEY: Objection, asked and  
6 answered.  
7 A. No.  
8 Q. Did you file separate taxes for  
9 that business?  
10 A. No.  
11 MR. FINLEY: Objection.  
12 Q. Did you maintain any paperwork  
13 with regard to that side business?  
14 MR. FINLEY: Objection.  
15 Q. Did you retain any kind of  
16 records or paperwork?  
17 A. No, no. It started off as a  
18 father and son and a father and two sons,  
19 then a father and two sons and my  
20 daughter, then it dwindled down.  
21 Q. When you first started was it  
22 just you and your son Douglas or your  
23 other son?  
24 A. Me and my son David.  
25 Q. Oh, sorry, David, okay.

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1 A. He's the one who passed away.  
2 Q. Right.  
3 And how long were you and David  
4 doing this business before your other son  
5 joined you?  
6 A. Before he started? Oh, I don't  
7 know, we did it for, I would say fifteen  
8 years.  
9 Q. And when did your daughter join  
10 after you started the business?  
11 A. Oh, she used to because she  
12 didn't like being a waitress and she  
13 enjoyed painting.  
14 Q. Would she do that more on a  
15 full-time basis?  
16 A. When she did it for me, yes,  
17 when she first started, yeah.  
18 Q. When you started the business,  
19 did you have a regular place where you  
20 bought your supplies?  
21 A. Yeah.  
22 Q. Where was that?  
23 A. Malacoff Paint Store.  
24 Q. Muller?  
25 A. M-A-L-A-C-O-F-F.

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1 Q. Malacoff?

2 A. Malacoff.

3 Q. And where was that located?

4 A. It was located on Nostrand

5 Avenue between C and D, I think. He

6 might not be there anymore.

7 Q. I was just going to ask you if

8 you knew whether he was still in

9 business.

10 A. He might be.

11 Q. Did you know who the owner was

12 for Malacoff supply?

13 A. Yeah, Mr. Malacoff.

14 Q. Do you know his first name?

15 A. Izzy.

16 Q. Do you recall what type of

17 painting you would buy, what kind of

18 paints you would buy when you --

19 A. Mostly Benjamin Moore.

20 Q. Do you know what type of

21 Benjamin Moore paint you would buy?

22 A. There was a lot of painting in

23 flat in the beginning, selected.

24 Q. Did you buy flat, latex or what

25 type of paint?

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1 A. All of it before.

2 Q. All of it?

3 A. I bought flat, latex, oil based,

4 alcohol based. A professional painter

5 uses everything.

6 Q. On average in a week do you

7 recall how many jobs you would do when

8 you started the business?

9 A. I didn't do much, it was all

10 full family, like. I had to cover two

11 guys that were steady for about fifteen

12 years I guess.

13 Q. And what was the name of the two

14 guys that worked with you on a steady

15 basis?

16 A. Oh, wow. I don't know where

17 they lived. Jimmy Ryan and Pete Calcio.

18 Q. And do you know where they

19 lived?

20 A. Jimmy Ryan lives in South

21 Carolina, that's all I know.

22 Q. And do you know where Pete

23 lives?

24 A. In Staten Island.

25 Q. Do you still communicate with

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1 either one of them?

2 A. Once in a while. We're all

3 getting too old to talk on the phone, too

4 old to get out of the chair.

5 Q. Did you pay Jimmy and Pete off

6 the books?

7 MR. FINLEY: Objection.

8 A. Yes.

9 Q. I know I asked you this before

10 but I don't think you gave me an answer:

11 On average how many jobs would you have a

12 week?

13 A. Oh, some jobs would last a month

14 if it was a big Queen Anne family home.

15 I would say the average job, average job

16 was too big, I would hire more guys.

17 Q. My question is how many of those

18 jobs on average would you have a week;

19 would you have one job, would you have

20 two jobs a week? Just an average amount

21 that you would have per week.

22 A. I would stay with one job until

23 I finish it, go on to the next. I didn't

24 like all the mumbo-jumbo.

25 Q. So, when you had a job, some of

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1 them would last up to a month; is that

2 correct?

3 A. Yeah. If it was a big job, I

4 would get on them, like half of them.

5 Q. What was the most amount of

6 people you employed to do a job?

7 A. I was on an average ratio,

8 average amount of people?

9 Q. No. You already told me that

10 you always had Jimmy and Pete as staples.

11 A. Yeah, yeah.

12 Q. But I'm saying what was the most

13 amount of people you ever had on one job?

14 A. Let's say seven or eight, yeah.

15 But I never hired them all for long, I

16 didn't want too many.

17 Q. And what kind of trades did you

18 hire, just painters?

19 A. Painters, yeah. But we were

20 putting up Sanitas wallpaper and...

21 Q. You mentioned earlier today

22 after your attorney asked you some

23 questions that you recalled using

24 Georgia-Pacific joint compound; do you

25 recall that?

1 A. Yeah.  
 2 Q. Do you recall at what location  
 3 you recall using Georgia-Pacific joint  
 4 compound?  
 5 A. I used Georgia-Pacific for  
 6 years. Sometimes I had three or four  
 7 guys working, we go through a lot, five  
 8 or six 5 gallon buckets.  
 9 Q. Did you use spackle or joint  
 10 compound or both?  
 11 A. I don't know technically the  
 12 difference, I used both of them all my  
 13 life.  
 14 Q. You used both?  
 15 A. Yeah.  
 16 Q. What was the difference between  
 17 the spackle and the joint compound?  
 18 MR. FINLEY: Objection.  
 19 A. I really don't know the  
 20 difference, I just know I used to call it  
 21 -- I don't know what they call it now, if  
 22 they call it joint compound or spackle.  
 23 What's the most common name? It's the  
 24 same thing basically.  
 25 Q. Let me ask you this again: At

1 the time that you had your side job, your  
 2 side business, sorry, did you use spackle  
 3 or did you use joint compound?  
 4 MR. FINLEY: Objection.  
 5 A. I don't know what's the  
 6 difference. It was a case of 5 gallon  
 7 bucket, joint compound or spackle, come  
 8 out with the same can I guess all the  
 9 time.  
 10 Q. Well, let me ask you this, do  
 11 you know the difference between spackle  
 12 and joint compound?  
 13 A. No. I don't know the technical  
 14 difference.  
 15 Q. Pardon?  
 16 A. I don't know the different  
 17 ingredients, the difference.  
 18 Q. Do you know what spackle is used  
 19 for?  
 20 A. Yeah.  
 21 Q. And do you know what joint  
 22 compound is used for?  
 23 A. One is used for, one is used for  
 24 wallboard, sheetrock.  
 25 Q. Which one is used for the

1 sheetrock, the spackle or the joint  
 2 compound?  
 3 A. Joint compound.  
 4 Q. And what is the spackle used  
 5 for?  
 6 A. Spackle is used for small cracks  
 7 and stuff on the wall, for leveling them  
 8 out, skim coating the wall.  
 9 Q. Do you know who made the spackle  
 10 that you recall using?  
 11 A. I don't know what was there. I  
 12 know I used Montrose and something else,  
 13 Montrose and -- also I used a lot of  
 14 Synkoloid, I never heard.  
 15 Q. Did you use Synkoloid joint  
 16 compound?  
 17 A. I think so, yeah.  
 18 Q. Do you recall using other brands  
 19 of joint compound?  
 20 A. No, just those few. You used  
 21 the sheet board, they used to shrink too  
 22 much.  
 23 Q. The Georgia-Pacific, do you  
 24 recall whether you used joint compound or  
 25 spackle?

1 MR. FINLEY: Objection.  
 2 A. I don't know which one I got,  
 3 probably used both of them.  
 4 Q. Do you know if Georgia-Pacific  
 5 made both spackle and joint compound?  
 6 MR. FINLEY: Objection.  
 7 A. I thought they did.  
 8 MR. FINLEY: Do you know?  
 9 THE WITNESS: I would say yes.  
 10 Q. Can you --  
 11 A. They changed at one point.  
 12 MR. FINLEY: Wait for her to ask  
 13 the questions.  
 14 Q. Do you recall how the  
 15 Georgia-Pacific came packaged, the joint  
 16 compound?  
 17 A. When I first started using it,  
 18 it was metal cans, 5 gallon buckets.  
 19 Q. Do you recall what the color  
 20 was?  
 21 A. No.  
 22 Q. Do you recall what the color of  
 23 the lid was?  
 24 A. No. I only used the inside.  
 25 Q. How did you know it was



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<p style="text-align: right;">Page 437</p> <p>1 Georgia-Pacific who made that joint 2 compound that you used? 3 A. Well, when I asked for it, I 4 always bought mostly Georgia-Pacific. 5 Q. Do you recall what the color of 6 the Synkoloid joint compound was? 7 A. That came in a yellow can. 8 Q. Do you recall anything on the 9 metal buckets that you recall being made 10 by Georgia-Pacific? 11 A. I might have read something on 12 it but I -- maybe I forgot it, maybe I 13 didn't, I don't know. I might have 14 gotten confused. 15 Q. Do you recall any color 16 associated with the Georgia-Pacific joint 17 compound on the packaging? 18 A. No. The Montrose I know was 19 black I think, black. 20 Q. Do you recall if there were any 21 pictures or logos on the metal cans that 22 you associate with Georgia-Pacific? 23 A. No. 24 Q. Do you recall if there was any 25 writing on the cans that you associate</p>	<p style="text-align: right;">Page 439</p> <p>1 (Discussion held off the record) 2 Q. Did you have to do any kind of 3 mixing of this paste-like joint compound 4 that you bought? 5 A. Yeah. Most of the time I would 6 thin it down a little bit so it was 7 easier to work with. 8 Q. How would you do that? 9 A. To put it -- 5 gallon, put a 10 gallon in there, mix it up. 11 Q. When you say put a gallon in, 12 what are you referring to? 13 A. Into a 5 gallon plastic pail and 14 mix it up a little, just a little water, 15 sort of the way you would thin paint so 16 it would be brushable. 17 Q. Would you add water to it, is 18 that what you're saying? 19 A. Yeah. 20 Q. And it already came in a 5 21 gallon container, correct? 22 A. Yeah. 23 Q. So, you would transfer to 24 another container? 25 A. No. Just a small, a gallon at a</p>
<p style="text-align: right;">Page 438</p> <p>1 with Georgia-Pacific? 2 A. I thought there was some warning 3 on it, I don't know if there was. 4 Q. You indicated that at some point 5 you recall that there was a change to the 6 actual container, correct? 7 A. Yeah. 8 Q. What was the change? 9 A. It went from a metal to plastic. 10 Q. Do you recall when that was? 11 A. No. 12 Q. Do you recall how long after you 13 started your business that this change 14 took place? 15 A. No. 16 Q. You indicated that they came in 17 5 gallon buckets, correct? 18 A. Yes. 19 Q. Was this a powder form? 20 A. Paste. 21 Q. What color was the paste? 22 A. Yellowish, white-yellow, a cream 23 color. I don't know, I thought it was a 24 cream or white color. 25 MR. FINLEY: Off the record.</p>	<p style="text-align: right;">Page 440</p> <p>1 time. 2 Q. And what would you mix it with? 3 A. Water. 4 Q. Would you use any kind of tools 5 to do the mixing or -- 6 A. Oh, a metal stirrer or a wooden 7 one if it wasn't too thick. 8 Q. You indicated that you saw some 9 warnings on the bucket, do you recall if 10 you saw the warning on the metal bucket 11 or on the plastic bucket or both? 12 A. I think the metal bucket -- no, 13 no, no. I'm switching back and forth 14 from the metal -- 15 Q. Was it either one or on both? 16 A. No, no, the metal bucket didn't 17 have it. 18 Q. Do you recall what color the 19 warning was on the bucket? 20 MR. FINLEY: Objection. 21 A. Only bucket that I know of color 22 I remember was the Synkoloid one which 23 was yellow with cream. 24 Q. So, just so the record is clear, 25 you don't recall the color of the</p>

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1 Georgia-Pacific joint compound container,  
2 correct?  
3 MR. FINLEY: You're talking about  
4 the metal bucket or the plastic bucket?  
5 MS. MACSTEEL: Either one.  
6 A. No.  
7 Q. Just so it's clear, is it  
8 correct that you don't recall the color  
9 of the Georgia-Pacific joint compound  
10 bucket that was made of metal, correct?  
11 A. Right.  
12 Q. And is it correct that you don't  
13 recall the color of the Georgia-Pacific  
14 joint compound container that was made of  
15 plastic that you recall?  
16 A. Yeah.  
17 Q. Do you recall what the warning  
18 said on the bucket that you recall?  
19 MR. FINLEY: Objection. I'm  
20 confused, which bucket?  
21 MS. MACSTEEL: He wasn't sure if  
22 it was metal or plastic, so whichever  
23 one it was, I'm just asking does he  
24 recall what the warning said.  
25 MR. FINLEY: Do you understand the

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1 question?  
2 THE WITNESS: Before I did.  
3 MR. FINLEY: Okay.  
4 A. I wasn't sure if it was so much  
5 about the tin bucket having a warning.  
6 Q. Right, I understand that you're  
7 not sure which one.  
8 A. Yeah.  
9 Q. But I'm just asking you do you  
10 recall what the actual warning said?  
11 A. No, the actual warning I don't  
12 remember.  
13 Q. Do you recall if there was a  
14 warning on any of the paint buckets that  
15 you used?  
16 A. What type of paint bucket?  
17 Q. On any of the paint buckets.  
18 A. No. But it was probably a  
19 warning on all of them, flat, semigloss,  
20 oil base, alcohol base, whatever.  
21 Q. Did you ever read those  
22 warnings?  
23 A. Oh, yeah, I read them, stand  
24 right out.  
25 Q. Did you read the warnings on the

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1 joint compound containers?  
2 MR. FINLEY: Objection.  
3 A. Yeah, but I don't know how long  
4 ago I read it. I don't know if I...  
5 Q. Do you recall if there was --  
6 A. I was there to paint, not to  
7 read the labels.  
8 Q. Do you recall if there was any  
9 other writing on the containers? And  
10 we're talking about the joint compound.  
11 A. No.  
12 Q. Was there any other writing  
13 besides the warning?  
14 MR. FINLEY: Objection.  
15 A. I don't know.  
16 Q. Do you recall if there were any  
17 instructions on the containers of joint  
18 compound that you used?  
19 A. Oh, there probably were but I  
20 don't know what they are now.  
21 Q. Well, do you recall what they  
22 were when you used them?  
23 MR. FINLEY: Objection.  
24 A. Not really. It's 50 years ago,  
25 remember if I recall those instructions?

Page 444

1 Very tough.  
2 Q. Do you recall if the  
3 instructions that you recall were the  
4 same on all the joint compound  
5 containers, whether they were made by  
6 Synkoloid or Montrose or Georgia-Pacific?  
7 A. No, I don't know. They could  
8 have been all made by the same company  
9 but I don't know.  
10 Q. When would you use the  
11 Georgia-Pacific joint compound, like on  
12 what occasion?  
13 A. Well, most of the time on all  
14 the jobs.  
15 Q. And when would you use the  
16 Montrose?  
17 A. All the time, whenever I bought  
18 the -- I think Montrose was the best one.  
19 Also Mansfield [sic].  
20 Q. Manville, Johns-Manville?  
21 A. Yeah, I liked that one. I used  
22 them, the ones I liked, which didn't  
23 shrink up too much.  
24 Q. So, would it be -- would I be  
25 correct in saying that you used the

<p style="text-align: right;">Page 445</p> <p>1 Johns-Manville and the Montrose the most?</p> <p>2 MR. FINLEY: Objection.</p> <p>3 A. I don't know which one I used</p> <p>4 the most. I used to use Synkoloid when I</p> <p>5 first started off the most.</p> <p>6 Q. When did you start using the</p> <p>7 Georgia-Pacific; do you recall?</p> <p>8 A. They were mixed up, you know,</p> <p>9 like one week I use this. I thought they</p> <p>10 were all the same to be honest.</p> <p>11 Q. Do you recall if there was a</p> <p>12 difference in the color of the joint</p> <p>13 compound in the bucket between the</p> <p>14 different manufacturers?</p> <p>15 A. Oh, no, I don't know that.</p> <p>16 Q. Where would you apply the</p> <p>17 Georgia-Pacific joint compound on a job?</p> <p>18 A. Wherever I had I would apply the</p> <p>19 Montrose to a specific spot, I considered</p> <p>20 them all basically the same.</p> <p>21 Q. But I'm just asking you right</p> <p>22 now about Georgia-Pacific, where would</p> <p>23 you use it on a job; do you understand</p> <p>24 what I'm saying?</p> <p>25 A. On any place that I would use</p>	<p style="text-align: right;">Page 447</p> <p>1 off all the scales off the wall, give it</p> <p>2 a quick skim coat. When that dries a</p> <p>3 quick light sanding with a stick and then</p> <p>4 I go over and then I coat it or give it a</p> <p>5 coat of primer paint and this way you</p> <p>6 wouldn't see the marks in the wall.</p> <p>7 There's so many different ways of doing</p> <p>8 spackle.</p> <p>9 Q. We're talking about doing the</p> <p>10 joint compound.</p> <p>11 A. Okay.</p> <p>12 Q. When would you use the joint</p> <p>13 compound in that process?</p> <p>14 A. Hanging, when you hang new</p> <p>15 sheetrock.</p> <p>16 Q. You would hang the sheetrock and</p> <p>17 then what would you do next?</p> <p>18 A. Put joint compound over after</p> <p>19 the space was left.</p> <p>20 Q. Would you ever tape it first?</p> <p>21 A. I put the joint compound first</p> <p>22 and then I put the tape on, this way the</p> <p>23 tape, the room, put the tape on and then</p> <p>24 I give it another coat of joint compound.</p> <p>25 Then I let it dry overnight and come back</p>
<p style="text-align: right;">Page 446</p> <p>1 the others.</p> <p>2 Q. But would you use it to repair a</p> <p>3 wall, would you use it for what purpose?</p> <p>4 A. Yeah, to repair a wall or even</p> <p>5 seams that I was going to tape, taping</p> <p>6 and then give another coat the next day.</p> <p>7 Q. And when you used it, would you</p> <p>8 just be trying to cover up the seam or</p> <p>9 would it be for some other purpose?</p> <p>10 A. No. I used two, I used two or</p> <p>11 three layers anyway.</p> <p>12 Q. No, I understand, we're going to</p> <p>13 get to that. I'm just trying to figure</p> <p>14 out when you got into a room or an area,</p> <p>15 what would you do, the first thing you</p> <p>16 would do?</p> <p>17 A. I'd see which one of them I was</p> <p>18 going to use. But I had all three, most</p> <p>19 of the time I used the one I had the most</p> <p>20 of.</p> <p>21 Q. I understand that. I'm trying</p> <p>22 to understand when you walk into the room</p> <p>23 that you're going to paint, what do you</p> <p>24 do first?</p> <p>25 A. I put down drop cloths, strip</p>	<p style="text-align: right;">Page 448</p> <p>1 and give it another coat when it dried.</p> <p>2 Q. And when you would apply the</p> <p>3 joint compound, how long would that take</p> <p>4 to apply it to that seam?</p> <p>5 A. Well, depends on how big the</p> <p>6 seams were, how deep it was.</p> <p>7 Q. Can you give me an average?</p> <p>8 A. Eight foot seam.</p> <p>9 Q. For example, if it was an 8 foot</p> <p>10 seam, how long would that take you to</p> <p>11 apply the joint compound?</p> <p>12 A. Ten minutes.</p> <p>13 Q. And when you applied the joint</p> <p>14 compound, it was wet, correct?</p> <p>15 A. Yes.</p> <p>16 Q. And you would then apply the</p> <p>17 tape?</p> <p>18 A. Yeah.</p> <p>19 Q. And then you would let it dry?</p> <p>20 A. Yeah. If I had time, the job</p> <p>21 was big enough, I would apply the tape</p> <p>22 and then try to work my way around the</p> <p>23 room and hoping it would be dry, give it</p> <p>24 another coat and put joint compound.</p> <p>25 Q. And when you applied the second</p>

1 coat, that would be wet as well, correct?  
 2 A. Yeah, that coat was wet but I  
 3 usually did it the next day, liked to  
 4 give it a sanding rubdown.  
 5 Q. When would you sand, after the  
 6 second coat you would then sand it down  
 7 to make it smooth?  
 8 A. Yeah.  
 9 Q. And how long would the sanding  
 10 take?  
 11 A. Well, depending on the size of  
 12 the room.  
 13 Q. On average?  
 14 A. What's an average room?  
 15 MR. FINLEY: It you can.  
 16 Q. Well, let me ask you this: You  
 17 talked about it would take ten minutes  
 18 for an 8 foot --  
 19 A. Eight foot.  
 20 Q. -- seam, right?  
 21 A. Yeah.  
 22 Q. How long would it take you to  
 23 sand that?  
 24 A. Just the one seam?  
 25 Q. Yes.

1 A. I don't know. Depending on how  
 2 bad off it was, you know, and how much  
 3 joint compound -- some of them were  
 4 uneven a lot, you got to sort of fugazi  
 5 it up, put on the second coat.  
 6 Q. But I'm just talking about how  
 7 long it would take you to sand it.  
 8 MR. FINLEY: Objection.  
 9 A. Hard to compare, I don't know  
 10 how bad the imperfection is on it.  
 11 Q. I understand.  
 12 Could you tell me the longest  
 13 time it would take you to do that?  
 14 A. Eight foot section, 8 foot, I  
 15 don't know, working on it, half hour.  
 16 Q. And what would you be sanding it  
 17 with?  
 18 A. Sandpaper, medium grade  
 19 sandpaper.  
 20 Q. Would I be correct that you did  
 21 not use joint compound on every job that  
 22 you did?  
 23 MR. FINLEY: Objection.  
 24 A. Not use it? In other words,  
 25 maybe I used spackle, could be, yeah.

1 Q. Do you recall the last time you  
 2 recall using Georgia-Pacific joint  
 3 compound?  
 4 A. The last time I used what kind  
 5 of joint compound?  
 6 Q. The last time you used it.  
 7 A. I haven't worked in quite a few  
 8 years.  
 9 Q. I understand. I'm just saying  
 10 can you recall the last time you used it,  
 11 the decade, the year?  
 12 A. Yeah. Maybe fifteen, 20 years.  
 13 Q. When you recall the containers  
 14 changing, --  
 15 A. Yeah.  
 16 Q. -- do you recall if the actual  
 17 joint compound also changed?  
 18 A. Oh, I don't know.  
 19 Q. Did you ever see anything on  
 20 either the metal cans or the plastic cans  
 21 that said that the joint compound  
 22 contained asbestos?  
 23 A. No, I don't think so.  
 24 Q. Do you know if there was joint  
 25 compound that did not contain asbestos?

1 MR. FINLEY: Objection.  
 2 A. I know now, I didn't know then.  
 3 Q. Do you know if Georgia-Pacific  
 4 made joint compound that did not contain  
 5 asbestos?  
 6 A. That's where they change over to  
 7 later, Georgia-Pacific changed over to  
 8 that?  
 9 Q. I'm just asking if you know  
 10 whether they ever made joint compound  
 11 that did not contain asbestos.  
 12 A. I don't know.  
 13 Q. Do you know if the joint  
 14 compound that you recall being made by  
 15 Georgia-Pacific, whether it was in a  
 16 metal container or in a plastic  
 17 container, whether it contained any  
 18 asbestos?  
 19 MR. FINLEY: Objection.  
 20 A. I know -- well, you said  
 21 Georgia-Pacific did contain asbestos, I  
 22 don't know which one contained it.  
 23 Q. My question to you is do you  
 24 know whether the joint compound that you  
 25 used made by Georgia-Pacific ever

1 contained asbestos?  
 2 A. Oh, I don't know.  
 3 Q. When you had these different  
 4 jobs that you would do and when you would  
 5 have to use the Georgia-Pacific joint  
 6 compound, who on your team would actually  
 7 do the sanding; would it be your sons,  
 8 would it be your daughter, would it be  
 9 you, would it be your employers, who  
 10 would it be?  
 11 A. Everybody did it, I even did it.  
 12 Q. So, different people that you  
 13 employed did the sanding including  
 14 yourself?  
 15 A. Yeah.  
 16 Q. So, would it be fair to say that  
 17 you did not do the sanding on every job  
 18 that you did use the Georgia-Pacific  
 19 joint compound; would that be fair?  
 20 A. Yeah, that would be fair.  
 21 Q. After you sanded what did you do  
 22 next to the walls?  
 23 A. Painted it, latex or oil based  
 24 primer.  
 25 Q. What was the color of the joint

1 compound after it dried?  
 2 A. White.  
 3 Q. What color was it when you  
 4 applied it when it was wet? And we're  
 5 talking just about Georgia-Pacific.  
 6 A. I think it was like a  
 7 creamish-white, yellowish tint.  
 8 Q. Do you know if the  
 9 Georgia-Pacific joint compound came in  
 10 more than one color, the actual compound?  
 11 A. I never used, I only used --  
 12 Q. Pardon?  
 13 A. I never used a different color  
 14 one.  
 15 Q. Would you be able to tell the  
 16 difference between a joint compound that  
 17 contained asbestos versus one that did  
 18 not contain asbestos?  
 19 MR. FINLEY: Objection.  
 20 A. No.  
 21 Q. Do you recall what the color of  
 22 the joint compound was for the Synkoloid?  
 23 MR. FINLEY: Objection.  
 24 Q. The actual joint compound, the  
 25 mixture, do you recall the color?

1 A. I never really paid much  
 2 attention to the color but back in the  
 3 creamy yellow thing.  
 4 Q. Was the color the same for  
 5 Montrose and for Johns-Manville?  
 6 MR. FINLEY: Objection.  
 7 A. I really don't -- could be  
 8 close, I don't -- that I said it was no  
 9 importance to me, the color.  
 10 Q. Well, would it be fair to say as  
 11 you recall they were all basically in the  
 12 beige family?  
 13 MR. FINLEY: Objection.  
 14 A. Yeah, pretty much.  
 15 Q. Do you recall if there were any  
 16 warnings on any of the other  
 17 manufacturers' joint compound, whether it  
 18 was Synkoloid, Johns-Manville or  
 19 Montrose?  
 20 A. I might have read them but that  
 21 was a while.  
 22 Q. Did anyone ever tell you that  
 23 the Georgia-Pacific joint compound that  
 24 you used contained asbestos?  
 25 A. No.

1 Q. Do you know if you were ever  
 2 exposed to asbestos from a  
 3 Georgia-Pacific joint compound?  
 4 A. No.  
 5 MR. FINLEY: Objection.  
 6 MS. MACSTEEL: I'm almost done.  
 7 MR. FINLEY: Off the record.  
 8 (Discussion held off the record)  
 9 Q. I know I had asked you before  
 10 and you did mention that you did one  
 11 Queen Anne location, do you recall any  
 12 specific like addresses or sites that you  
 13 may have worked using Georgia-Pacific  
 14 joint compound?  
 15 A. No, no. I'm not painting now  
 16 nearly 30 years, 25, 30 years.  
 17 Q. I understand.  
 18 A. And that's my last job, you're  
 19 going close to 50 years, 60 years, 50  
 20 years.  
 21 Q. It's okay if you don't remember,  
 22 you can just let me know you don't  
 23 remember.  
 24 A. I don't remember.  
 25 MS. MACSTEEL: Sir, I think those

<p style="text-align: right;">Page 457</p> <p>1 are all the questions I have. Thank you  2 for your time.  3 THE WITNESS: Okay, you're  4 welcome.  5 MR. FINLEY: Anybody else in the  6 room have questions?  7 (No verbal response given)  8 MR. FINLEY: Anybody on the phone  9 have questions?  10 (No verbal response given)  11 MR. FINLEY: Sir, I have like two  12 minutes of questions to ask you.  13 Off the record.  14 (Discussion held off the record)  15 FURTHER EXAMINATION  16 BY MR. FINLEY:  17 Q. Hi again, Mr. Brown.  18 A. Hello.  19 Q. As you know I'm your attorney  20 from Weitz and Luxenberg. I just have a  21 couple of follow-up questions as I was  22 reviewing my notes before --  23 A. Okay.  24 Q. -- I just wanted to ask you  25 about real quick.</p>	<p style="text-align: right;">Page 459</p> <p>1 A. No.  2 Q. Was one ever provided to you?  3 A. No.  4 Q. When you worked at the Brooklyn  5 Navy Yard, did you ever wear a mask or a  6 respirator?  7 A. No.  8 Q. Was one ever provided to you?  9 A. No.  10 Q. When you worked for the fire  11 department for the City of New York, did  12 anybody at the FDNY warn you of the  13 dangers of asbestos?  14 A. No.  15 Q. Had somebody warned you of the  16 dangers of asbestos, what would you have  17 done?  18 (All defendants object)  19 A. Well, I would listen to it first  20 and see how it came across to me and see  21 how serious I took it, I don't know.  22 Q. And if you took it seriously,  23 would you have done something different?  24 (All defendants object)  25 A. Yes, probably.</p>
<p style="text-align: right;">Page 458</p> <p>1 Sir, when you worked for E.D.  2 Rakison, did anybody from E.D. Rakison  3 ever warn you about the dangers of  4 asbestos?  5 A. No. Didn't even know it  6 existed.  7 Q. When you worked at the Brooklyn  8 Navy Yard, did anybody at the Brooklyn  9 Navy Yard warn you about the dangers of  10 asbestos?  11 (All defendants object)  12 A. No.  13 Q. Did any of your supervisors warn  14 you about the dangers of asbestos at the  15 Brooklyn Navy Yard regardless of whether  16 they were a civilian or military  17 personnel?  18 A. No.  19 Q. The second time you worked for  20 Rakison, did anybody from there warn you  21 of the dangers of asbestos?  22 A. No.  23 Q. When you were working at E.D.  24 Rakison, did you ever use a mask or a  25 respirator?</p>	<p style="text-align: right;">Page 460</p> <p>1 Q. What would you have done  2 different?  3 (All defendants object)  4 A. I would find out what I could do  5 to correct the situation.  6 MR. FINLEY: Thank you, sir, I  7 have no further questions.  8 THE WITNESS: Okay.  9 MR. FINLEY: Does anybody in the  10 room have any additional questions?  11 (No verbal response given)  12 MR. FINLEY: Does anybody on the  13 phone have any questions?  14 (No verbal response given)  15 MR. FINLEY: Okay, this concludes  16 the deposition. I want to thank  17 everybody for their time and patience  18 over the last few days. Thank you.  19 (Whereupon, at 2:40 P.M., the  20 examination of this witness was  21 concluded)  22  23  24  25</p>

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1 WITNESS CERTIFICATION

2

3

4 I have read the foregoing transcript of

5 my testimony and find it to be true and

6 accurate to the best of my knowledge and

7 belief.

8

9

10 FREDERICK G. BROWN

11

12

13 Subscribed and sworn to

14 before me on this \_\_\_\_\_

15 day of \_\_\_\_\_ 2017.

16

17 \_\_\_\_\_

18 Notary Public

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1 INDEX TO TESTIMONY

2

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1 CERTIFICATION

2

3 I, CHERYL F. SOLOMON, a Stenotype

4 Shorthand Reporter and Notary Public within

5 and for the State of New York, do hereby

6 certify that the within Continued

7 Examination Before Trial of FREDERICK G.

8 BROWN was held before me and I faithfully

9 and impartially recorded stenographically

10 the questions, answers and colloquy.

11 I further certify that after said

12 examination was recorded stenographically by

13 me, it was reduced to typewriting under my

14 supervision, and I hereby submit that the

15 within contents of said examination are true

16 and accurate to the best of my ability.

17 I further certify that I am not a

18 relative of nor an attorney for any of

19 the parties connected with the aforesaid

20 examination, nor otherwise interested in

21 the testimony of the witness.

22

23

24 CHERYL F. SOLOMON

25

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1 ERRATA SHEET

2 Priority One Court Reporting/Veritext

3 718-983-1234

4 ASSIGNMENT NO P1-2780312

5 CASE NAME: Brown, Frederick v. Ashustus

6 DATE OF DEPOSITION: 12/21/2017

7 WITNESS NAME: Frederick G Brown

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PAGE/LINE(S)	CHANGE	REASON
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21 Frederick G Brown

22 (Notary not required in California)

23 SUBSCRIBED AND SWORN TO

24 BEFORE ME THIS \_\_\_\_\_ DAY

25 OF \_\_\_\_\_, 2018

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